



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/23/2010

Re: Property at 56 Grahams Road, Falkirk, FK1 1HN (“the Property”)

Parties:

Mr Gary Crugen, 6 Cauldhame Street, Falkirk, FK2 7GP (“the Applicant”)

Miss Lara Carrol, 12 Lochside Crescent, Redding, FX2 9XF (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made a Payment Order in favour of the Applicant against the Respondent in the sum of £847.90.

Background

[2] The Applicant seeks a Payment Order in respect of rent arrears said to have been accrued by the Respondent under a tenancy between the parties. The Application is accompanied by a copy of the tenancy agreement and a rent statement.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) by conference call at 11:30 am on 19 October 2023. The Applicant was represented by Ms O'Rourke of Belvoir Lettings. The Respondent was personally present. The Respondent had emailed the Tribunal asking for the CMD to be postponed because of a private health matter but the Respondent confirmed she would now be happy to deal with matters and have the Application concluded. She accepted she had rent arrears and it was agreed that the up-to-date figure was £847.90. Both parties agreed that a Payment Order for this sum was appropriate. Parties indicated an intention to then negotiate privately regarding a time to pay arrangement under explanation that it would be open to the Respondent to make a Time to Pay Application to this Tribunal if negotiations were not to her satisfaction.

[4] Having heard from parties, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The parties entered into a tenancy agreement whereby the Applicant let the Property to the Respondent on a Private Residential Tenancy;*
- II. *The Respondent vacated the Property with the sum of £847.90 remaining lawfully due as rent to the Applicant but unpaid.*

Reasons for Decision

[5] Having made the above findings in fact, the Tribunal granted the Application and made a Payment Order in favour of the Applicant against the Respondent in the sum of £847.90.

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

A McLaughlin

Legal Member/Chair

19 October 2023
Date

