



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ('The Procedure Rules) in relation to an application for civil proceedings relative to a Private Residential Tenancy under Rule 111 of the Procedure Rules.

Chamber Ref: FTS/HPC/CV/23/3641

56 Barclay House, West Langlands Street, Kilmarnock, KA1 2PR ("the Property")

Parties:

Kiln Holdings Limited T/A Kilncribs.com, Andrew Barclay Heritage Centre, West Langlands Street, Kilmarnock, KA1 2PY ("the Applicant")

Mrs Carol Dickie, Ardanach Lettings Ltd, Andrew Barclay Heritage Centre, West Langlands Street, Kilmarnock, KA1 2PY ('The Applicant's Representative')

Tahir Khaliq residing at 56 Barclay House, West Langlands Street, Kilmarnock, KA1 2PR ("the Respondent")

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal")

Tribunal Members: Jacqui Taylor (Legal Member) and Helen Barclay (Ordinary Member)

Decision

The Tribunal determined that an order for payment would be issued requiring the Respondent to pay the Applicant the sum of £7690.

Background

1. The Applicant submitted an application to the Tribunal for payment of arrears of rent in the sum of £7690 being the sum outstanding as at 13th October 2023.

2. Documents lodged with the Tribunal.

Documents lodged with the Tribunal by the Applicant were:

2.1 A copy of the Tenancy Agreement.

2.2 Rent Statement for the period April 2022 to October 2023 showing the outstanding balance of £7690.

3. Case Management Discussion

This case called for a Case Management Discussion (CMD) at 14.00 on 5th February 2024.

Mrs Carol Dickie attended on behalf of the Applicant.

The Respondent did not attend and was not represented. He had been notified of the CMD by, Jamie Barr, Sheriff Officer on 11th December 2023 . The Tribunal were content to proceed with the CMD as the requirements of Tribunal Rule 29 had been satisfied.

The Respondent had not provided any written representations.

Mrs Dickie advised that Tribunal that the current arrears amounted to £10,210 but she had not lodged an application to amend the sum sought. She sought payment of the sum of £7690, being the outstanding rent due as at 13th October 2023.

4. Decision

4.1 The Tribunal made the following findings in fact:

4.1.1 The Applicant is the Landlord of the Property being the subjects registered in the Land Register of Scotland under Title Number AYR47667 ('the Property').

4.1.2 The Respondent is the Tenant of the Property in terms of the Private Residential Tenancy between the parties dated 29th November 2021.

4.1.3 The Tenancy commenced on 1st December 2021.

4.1.4 The Respondent still resides in the Property.

4.1.5 The rent due in terms of the tenancy is £630 per month, payable monthly in advance.

4.1.6 The rent arrears as at 13th October 2023 amount to £7690.

4.2 Requirements of Section 111 of the Procedure Rules.

4.2.1 In connection with the requirements of section 111 the Tribunal determined that the application correctly detailed the requirements of section 111(i), (ii) and (iii) of the Procedure Rules namely:-

(i) the name and address of the Applicant.

(ii) the name and address of the Respondent.

(iii) the reason for making the application.

4.2.2 The Tribunal also confirmed that the application had been accompanied by the documents specified in **Section 111(b)(i) and (ii) and (iii)** of the Procedure Rules being a copy of the lease and the statement of rent arrears.

4.3 The Tribunal determined that outstanding rent due by the Respondent amounted to £7690, being the sum due at 13th October 2023, and accordingly they issued an Order for Payment in this sum.

5. 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.

**Jacqui Taylor
Legal Member**

5th February 2024