



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/23/2789

Re: Property at 51 Barclay House, West Langlands Street, Kilmarnock, KA1 2PR (“the Property”)

Parties:

Atrium Initiatives Limited, 14 Central Avenue, Kilmarnock, KA1 4PS (“the Applicant”)

Mr Ryan Brown, 51 Barclay House, West Langlands Street, Kilmarnock, KA1 2PR (“the Respondent”)

Tribunal Members:

Alastair Houston (Legal Member) and Sandra Brydon (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment of £4121.00 be made in favour of the Applicant

1. Background

- 1.1 This is an application under Rule 111 of the Chamber Rules whereby the Applicant seeks an order for payment of rent outstanding.
- 1.2 The application was accompanied by copies of the written tenancy agreement between the parties and a rent statement. The application was conjoined with the application reference FTS/HPC/EV/23/2787 being an application for an eviction order.
- 1.3 On 6 December 2023, the Applicant had submitted an updated rent statement together with an application to amend the sum sought.⁷

2. The Case Management Discussion

- 2.1 The Case Management Discussion took place on 9 January 2024 by teleconference. The Applicant was represented by Mr Haswell, solicitor. The Respondent was neither present nor was he represented.
- 2.2 The Applicant's representative confirmed that the application was insisted upon. The Tribunal noted that intimation of the application and Case Management Discussion had been given to the Respondent and considered it appropriate to proceed as permitted by rule 29 of the Chamber Rules.
- 2.3 The Applicant's representative confirmed that the rent outstanding was now £4121.00. A payment had been received from the DWP which resulted in the balance reducing slightly from that reflected in the December rent statement. It was understood that the Respondent had previously been in employment however, variable payments from the DWP were being received directly in respect of the ongoing rental charge of £550.00 per calendar month.
- 2.4 The Tribunal granted the application to amend the sum sought and thereafter granted the order for payment.

3. Reasons For Decision

- 3.1 The tenancy agreement between the parties imposed a contractual liability upon the Respondent to make payment of rent of £550.00 per calendar month. The rent statement and information provided by the Applicant's representative detailed the sum currently outstanding. In the absence of any reason why this would not be lawfully due, the Tribunal granted the order sought.

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.

9th January 2024

Legal Member/Chair

Date

