



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

**Chamber Ref: FTS/HPC/CV/23/3489**

**Property : 8B Petendreia Court, Bonnyrigg, Midlothian EH19 2AF (“Property”)**

**Parties:**

**Lar Housing Trust, F3 Buchan House, Carnegie Campus, Enterprise Way, Dunfermline, Fife KY11 8PL (“Applicant”)**

**TC Young Solicitors, 7 West George Street, Glasgow G2 1BA (“Applicant’s Representative”)**

**Vickie Young, 8B Petendreia Court, Bonnyrigg, Midlothian EH19 2AF and Stuart Young, 12 Machrihanish Way, Bonnyrigg EH19 3SJ (“Respondent”)**

**Tribunal Members:**

**Joan Devine (Legal Member) and Elizabeth Williams (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for payment of £6685.24.**

**Background**

The Applicant sought an order for payment of £5382.51 in respect of arrears of rent. The Applicant had lodged Form F. The documents produced were: a Tenancy Agreement dated 13 September 2018, a rent increase notice and a schedule of rent arrears. The Application was served on each Respondent by sheriff officer on 30 November 2023. By email dated 5 January 2024 the Applicant’s Representative lodged an updated statement of rent arrears and copy letter to the First Respondent dated 5 January 2024 and indicated they wished to amend the sum claimed to £6685.24.

**Case Management Discussion**

A CMD took place before the Tribunal on 25 January 2024 by teleconference. The Applicant was represented by Kirstie Donnelly of the Applicant’s Representative. There was no appearance by either Respondent. Ms Donnelly told the Tribunal that Mr Young had vacated the Property around 2 years ago. She said that the Applicant

has been communicating with him and had told him that a private residential tenancy cannot be terminated by one joint tenant moving out. She said the most recent contact by Mr Young to the Applicant had been the previous week when he had asked the applicant to stop contacting him. Ms Donnelly told the Tribunal that she understood that Mrs Young had been employed in a care home at the start of the tenancy but she understood she had been off work due to sickness since August 2023.

Ms Donnelly told the Tribunal that the Applicant had applied to universal credit for a direct payment and had received £325 in November and December 2023 and £122 in January 2024. She said that the Applicant had attempted to contact Mrs Young and had offered meetings but there was no meaningful contact from Mrs Young.

### **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a tenancy agreement dated 13 September 2018.
2. In terms of the tenancy agreement the rent was £595 per month and was increased to £605 per month, £614 per month and then £632.40 per month.
3. The rent was increased to £651.37 per month with effect from 1 August 2023.
4. The Respondent failed to pay the rent for the period 1 February 2021 to 1 January 2024. The unpaid amount was £6685.24.

### **Reasons for the Decision**

The Tribunal determined allow the Application to be amended to seek payment of £6685.24.

The Tribunal determined to make an Order for payment. In terms of the tenancy agreement rent was due at the rate of £595 per month, was increased to £605 per month, then to £614 per month, then to £632.40 per month and with effect from 1 August 2023 to £651.37 per month. The rent was not paid in full for the period 1 February 2021 to 1 January 2024. The unpaid amount was £6685.24.

### **Decision**

The Tribunal grants an order for payment of £6685.24.

### **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.**



**Legal Member**

**25 January 2024**  
**Date**