



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/23/4180

Re: Property at 52D Mossgiel Road, Ayr, South Ayrshire, KA7 3DL (“the Property”)

Parties:

LAR Housing Trust, F3 Buchan House, Carnegie Campus, Enterprise Way, Dunfermline, KY11 8PL (“the Applicant”)

Ms Flora Tate, 32 Gould Street, Ayr, KA8 9PW (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal 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 should be granted in favour of the Applicant in the sum of £1336.27.

Background

1. By application made under Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Rules”), the Applicant applied for an order for payment in the sum of £1336.27 in respect of unpaid rent. The Applicant lodged a copy of the private residential tenancy agreement between the parties, which commenced on 29th October 2021 with monthly rent due in the sum of £350 initially, and £360.50 from 1st May 2022. The tenancy ended on 16th October 2022. The Applicant also lodged a rent statement and rent increase notice.
2. Notification of the application and Case Management Discussion was made upon the Respondent by Sheriff Officer on 11th January 2024.

The Case Management Discussion

3. A Case Management Discussion (“CMD”) took place by telephone conference on 21st February 2024. Ms Nicole Maxwell attended on behalf of the Applicant. The Respondent was not in attendance.
4. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondent.
5. Ms Maxwell asked the Tribunal to grant an order in the sum of £1336.27, being the total of the arrears. Attempts have been made to contact the Respondent with no success.

Findings in Fact and Law

6.
 - (i) Parties entered into a private residential tenancy agreement that commenced on 29th October 2021 with monthly rent due in the sum of £350.
 - (ii) The rent increased to £360.50 from 1st May 2022.
 - (iii) The tenancy ended on 16th October 2022.
 - (iv) Rent lawfully due in terms of the tenancy agreement has not been paid by the Respondent.
 - (v) The Applicant is entitled to recover rent lawfully due.

Reasons for Decision

7. The Respondent has failed to make payment of rent lawfully due. The Applicant is entitled to recover rent lawfully due in terms of the tenancy agreement between the parties.

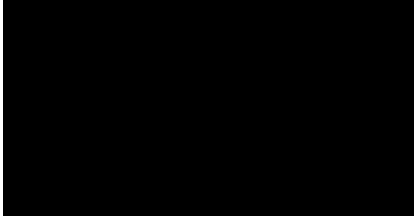
Decision

8. An order for payment is granted in favour of the Applicant in the sum of £1336.27.

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

21st February 2024

Date