



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/EV/23/3373

Property : 44A Galloway Street, Dumfries DG2 7TH (“Property”)

Parties:

Astrid Chari McKie and Terence Robert Kerr McKie, Deanspark, Irongray Road, Dumfries DG2 0HS (“Applicant”)

Gillespie Gifford & Brown LLP, 135 King Street, Castle Douglas DG7 1NA (“Applicant’s Representative”)

James Pool, 44A Galloway Street, Dumfries DG2 7TH (“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 £2720.

Background

The Applicant sought an order for payment of £2720 in respect of arrears of rent. The Applicant had lodged Form F. The documents produced were: a Tenancy Agreement dated 24 August 2020 and a statement of rent arrears. The Application was served on the Respondent by sheriff officer on 15 December 2023.

Case Management Discussion

A CMD took place before the Tribunal on 7 February 2024 by teleconference. The Applicant was represented by Adam Turnbull of the Applicant’s Representative. There was no appearance by either Respondent.

Mr Turnbull told the Tribunal that the rent was now 13 months in arrears and totalled £4420. He said that the Applicant and an individual who assist the Applicant with tenant liaison had made numerous attempts to contact the Respondent by text message and by knocking on the door of the Property without success. He said that for a period the Respondent was in prison.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a tenancy agreement dated 24 August 2020.
2. In terms of the tenancy agreement the rent was £340 per month.
3. The Respondent failed to pay the rent for the period January to August 2023. The unpaid amount was £2720.

Reasons for the Decision

The Tribunal determined to make an Order for payment. In terms of the tenancy agreement rent was due at the rate of £340 per month. The rent was not paid for the period January to August 2023. The unpaid amount was £2720.

Decision

The Tribunal grants an order for payment of £2720.

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.

Joan Devine

Legal Member:

Date : 7 February 2024