



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017

Chamber Ref: FTS/HPC/CV/23/3070

Re: Property at 24 Grove Street, Denny, Stirlingshire, FK6 6PG (“the Property”)

Parties:

Mr Mohammed Riaz, 2 Emma's Way, Bonnybridge, Stirlingshire, FK4 1GF (“the Applicant”)

Ms Jade Scott, 24 Grove Street, Denny, Stirlingshire, FK6 6PG (“the Respondent”)

Tribunal Member:

Fiona Watson (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent for payment of the undernoted sum to the Applicant:

Sum of NINE THOUSAND THREE HUNDRED AND FIFTY POUNDS (£9,350) STERLING

- Background
- 1. An application was submitted to the Tribunal under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondent in relation to rent arrears accrued under a private residential tenancy agreement.
- 2. A Case Management Discussion (“CMD”) took place on 12 February 2024 by way of conference call. The Applicant was personally present. The

Respondent was neither present nor represented. The application and accompany papers had been served on the Respondent by Sheriff Officer on 19 December 2023. The Tribunal was therefore satisfied that the date and time of the CMD had been intimated on the Respondent and that the CMD could proceed in the Respondent's absence.

3. The Applicant submitted that the Respondent had not paid rent since February 2023 to date and was still resident in the Property. The Applicant moved for an order to be granted in the sum of the rent arrears outstanding to date. The Tribunal noted that the sum outstanding at the date the application was lodged was £3,850 and whilst the application stated that it sought an order in that sum or such other sum as may be due at the date of the CMD, no application to increase the sum sued for had been lodged under Rule 14A nor any updated rent statement lodged to evidence the current level of arrears. The Applicant submitted that he would wish the CMD to be continued to allow an application to be submitted in terms of Rule 14A to increase the sum sued for.
4. The CMD was adjourned to a further CMD to allow the Applicant to submit an application under Rule 14A of the Rules to increase the sum sought.
 - The Case Management Discussion
5. A further Case Management Discussion ("CMD") took place on 17 June 2024 by way of conference call. The Applicant was again personally present. The Respondent was again neither present nor represented.
6. Prior to the CMD, the Applicant had submitted an amended application under Rule 14A of the Rules seeking an order in the increased sum of £9,350. Said application had been intimated to the Respondent by the Applicant on 3 June 2024. Said application was accompanied by an updated rent statement showing the outstanding balance due and that no rent had been paid since February 2023.
 - Findings in Fact
7. The Tribunal made the following findings in fact:
 - (i) The parties entered into a Private Residential Tenancy Agreement ("the Agreement") which commenced 2 June 2022;
 - (ii) In terms of Clause 8 of the Agreement, the Respondent was obliged to pay a monthly rent of £550 to the Applicant;
 - (iii) The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £9,350.
 - Reasons for Decision
8. The Tribunal was satisfied that the Applicant was entitled to the sum as sought. The Respondent was obliged to make payment of rent in the sum of £550 per month under Clause 8 of the Agreement and had failed to do so. She had

accrued arrears amounting to £9,350 and which fell lawfully due to be repaid to the Applicant.

- Decision
9. The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent for payment of the undernoted sum to the Applicant:

Sum of NINE THOUSAND THREE HUNDRED AND FIFTY POUNDS
(£9,350) STERLING

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/Chair:



Fiona Watson

Date: 17 June 2024