



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/23/3658

Re: Property at 2 Aitken Street, Dalry, Ayr, KA24 4BX (“the Property”)

Parties:

Mr Frank Carey, Pavillion 2, 3 Dava Street, Glasgow, G51 2JA (“the Applicant”)

Mr Martyn Feeley, 2 Aitken Street, Dalry, KA24 4BX (“the Respondent”)

Tribunal Members:

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 EIGHT THOUSAND TWO HUNDRED AND FIFTY POUNDS (£8,250) 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.
- **The Case Management Discussion**
 2. A Case Management Discussion (“CMD”) took place on 3 June 2024 by conference call. The Applicant was represented by their letting agent, Stephen Kiernan of Premier Properties. There was no appearance by or on behalf of

the Respondent. The application had been intimated on the Respondent by Sheriff Officer on 23 April 2024. The Tribunal was accordingly satisfied that the Respondent had been duly notified of the date and time of the CMD and that the CMD could proceed in the Respondent's absence.

3. The Applicant's representative moved for the order for payment to be granted in the sum of £8,250. The parties had entered into a Private Residential Tenancy Agreement. The Respondent had failed to make payment of rent since September 2022 and at the time of submitting the application had fallen into arrears amounting to £4,925. Since submitting the application, the arrears had increased to £8,250 and an application under Rule 14A of the Rules to increase the sum sought had been submitted by the Applicant. The arrears had commenced in October 2022 and there had been a continuous arrear to date.

- Findings in Fact

4. The Tribunal made the following findings in fact:

- (i) The parties entered into a Private Residential Tenancy Agreement ("the Agreement") which commenced 19 November 2021;
- (ii) In terms of Clause 8 of the Agreement, the Respondent was obliged to pay a monthly rent of £475 to the Applicant;
- (iii) The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £8,250.

- Reasons for Decision

5. 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 £475 per month under Clause 8 of the Agreement and had failed to do so. The Respondent had accrued arrears amounting to £8,250 and which fell lawfully due to be repaid to the Applicant.

- Decision

6. 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 EIGHT THOUSAND TWO HUNDRED AND FIFTY POUNDS (£8,250)
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.

Fiona Watson

Legal Member/Chair

Date: 3 June 2024