



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/24/0616

Property : 21 Montgomery Street, Larkhall ML9 2AA (“Property”)

Parties:

Dr Paul Hare, 25 The Glade, Larkhall ML9 2JA (“Applicant”)

GBS Lets, 82 Union Street, Larkhall ML9 1DR (“Applicant’s Representative”)

John Ross Dunn, 21 Montgomery Street, Larkhall ML9 2AA (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member), Mary Lyden (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for payment of £2,333.99 should be made.

Background

The Applicant sought an order for payment of £1633.99 in respect of rent arrears. The Applicant had lodged Form F. The documents produced were a rent statement and a tenancy agreement which commenced on 26 July 2021. The Tribunal had sight of a certificate of service by sheriff officer evidencing service of the Application on the Respondent on 19 April 2024. On 18 April 2024 the Applicant’s Representative lodged an updated statement of rent arrears.

Case Management Discussion

A Case Management Discussion (“CMD”) took place before the Tribunal on 31 May 2024. The Applicant was represented by Barry Munro of the Applicant’s Representative. The Respondent was not in attendance.

Mr Munro told the Tribunal that the arrears were now £2683.99 which covered the period to 26 May 2024. He said that a payment of £350 had been made on 5 May 2024. He said the Respondent is aged around 40 and is employed as a heating

engineer. He said the arrears had been a problem since early on in the tenancy. He said the last time there had been a “zero” balance was December 2022. Mr Munro said that a statement of arrears was sent to the Respondent on or around 26th of each month. He confirmed that a rent statement was issued on 26 April 2024 showing a balance due of £2,683.99 and that £350 had been paid on 5 May 2024 reducing the balance to £2,333.99.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement which commenced on 26 July 2021 ("Tenancy Agreement").
2. In terms of the Tenancy agreement the rent was £350 per month.
3. The Respondent failed to pay the rent in full for the period 26 January 2023 to 26 April 2024. The unpaid amount was £2,333.99.

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 £350 per month. The rent was not paid in full for the period 26 January 2023 to 26 April 2024. The unpaid amount was £2,333.99.

Decision

The Tribunal grants an order for payment of £2,333.99.

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.

J Devine

Legal Member

Date : 31 May 2024