



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/24/0936

Re: Property at 18 Mossneuk Street, Coatbridge, ML5 5BA (“the Property”)

Parties:

Miss Catherine Hunter, 2A Westmount Park, Newtownards, County Down, BT23 4BP (“the Applicant”)

Mr Thomas McKinney, 18 Clyde Court, Coatbridge, ML5 3RW (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an be granted against the Respondent for payment to the Applicant in the sum of Three Thousand One Hundred and One Pounds and Thirty Four Pence (£3,101.34), subject to a time to pay direction in the following terms:

The respondent is required to pay the sum of £200 per month until the full amount has been paid. The first payment must be made no later than 28 days after intimation of this Order.

Introduction

This is an application under rule 111 and section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.

Service of the proceedings and intimation of the Case Management Discussion ('CMD') was effected upon the respondent by Sheriff Officers on June 2024.

The CMD took place by teleconference on 3 July 2024 at 2.00 pm. The applicant joined the hearing and was represented by John Macaulay solicitor. The respondent joined the hearing and represented his own interests.

Findings and Reasons

The property is 18 Mossneuk Street, Coatbridge ML5 5BA. The applicant is Catherine Hunter who is the heritable proprietor and registered landlord. The respondent is Mr Thomas McKinney who is the guarantor of the former tenant, Caroline McKinney.

A private residential tenancy commenced on 7 May 2019. The rent was stipulated at £695 per month.

Throughout the duration of the tenancy the former tenant fell into arrears of the contractual rental payments. An Order for Payment was issued by the First-tier Tribunal in case reference FTS/HPC/CV/22/3405 in relation to rent arrears up to and including 7 September 2022 in the amount of £4,395.59. The said sum per the Order for Payment has been settled in full by the Respondent who was the guarantor.

Subsequent rent arrears and additional costs have been incurred by the applicant following the previous Payment Order being granted by the First-tier Tribunal. An updated rent statement has been produced to evidence the additional rent arrears.

A further total sum is now sought to include the additional costs which total £3,101.34. This is comprised of the costs of clearance/cleaning amounting to a total of £693 evidenced by copy invoices dated 3 and 24 November 2023. Additionally, the rent arrears additionally accrued are £3,103.34, reduced by the recovery of the deposit of £695.00 from Safe Deposit Scotland. Adding the reduced outstanding arrears of £2,408.34 together with the additional charges of £693 adds up to the total sought.

The applicant is entitled to recover the additional arrears of rent and other items under and in term of the lease. The written application sought interest and expenses but these elements of the claim were not insisted upon and were withdrawn by the applicant's representative.

The respondent has not opposed the application and has made an application for a time to pay direction, offering £200 per month by way of instalments. This has been accepted by the applicant. This would clear the outstanding sums in around 15 months

which is reasonable and acceptable to the tribunal. Accordingly the tribunal granted the payment order subject to a time to pay direction which requires payments at the rate of £200 per month.

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.

Richard Mill

3 July 2024

Legal Member/Chair

Date