



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies)(Scotland) Act 2016

Reference number: FTS/HPC/CV/24/0696

Order granted on 8 July 2024

Re: Property at 24 Dobson's Walk, Haddington, EH41 4RU ("the Property")

Parties:

Mr John Dodds, 117 North Seton Park, Port Seton, EH32 0BA

("the Applicant")

Joseph Loughlin-Black, residing at 24 Dobson's Walk, Haddington, EH41 4RU ("the Respondent")

Tribunal Members:

Paul Doyle (Legal Member)
Ahsan Khan (Ordinary member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an order for payment should be made.

Background

The Applicant sought an order for payment of rental arrears totalling £3,150.00. The Applicant had lodged with the Tribunal Form F. The documents produced are a Tenancy Agreement dated 14/12/2019; a notice to leave served on 06/06/2023, a Notice in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 and a schedule of unpaid rental. A copy title sheet was lodged with the Tribunal which showed that the applicant and his mother are the heritable proprietors of the Property.

Case Management Discussion

A case management discussion took place by telephone conference at 10.00am on 8 July 2024. Both the applicant and the respondent were present, neither of them was represented.

Findings in Fact

1. The Tribunal made the following findings in fact:

(i) The Applicant and the Respondent entered into a Private Residential Tenancy Agreement for the Property on 14/12/2019.

(ii) The rent in terms of the Tenancy Agreement is £525 per month.

(iii) The respondent has not paid rental since July 2023. At the date of application there were arrears of rent totalling £3150.

(iv) On 06/06/2023 the applicant served a notice to leave on the respondent. A section 11 notice was served on both the respondent and the local authority by the applicant.

(v) The respondent remains in the property but an order for repossession was granted by the tribunal on 8 July 2024. That order will become enforceable on 8 August 2024.

(vi) On 06/06/2023 the applicant served a notice to leave on the respondent in terms of s.50 of the Private Housing (Tenancies) (Scotland) Act 2016. On 09/02/2024, the applicant submitted an application to the tribunal.

(vii) The monthly rent is £525.00. At the date of application there were Arrears of rental totalling £3,150.

2. The respondent accepts that he owes the applicant £3,150.00. The respondent offers no resistance to the application for a payment order but made an application for time to pay. He offers payment by instalments of £150.00 per month.

3. On 25 June 2024 the applicant accepted the respondent's offer to pay the sum due by instalments of £150.00 per month.

4. For the foregoing reasons, the Tribunal determined to make an Order for payment subject to time to pay directions. The Tribunal makes an order for payment of £3150.00 to be paid by instalments of £150.00 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.

Paul Doyle
Legal Member

8 July 2024