



**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/24/0686**

**Re: Property at 1 Bute Drive, Johnstone, PA5 8PN (“the Property”)**

**Parties:**

**Mr Colin Hayes, Natalie Hayes, 54 Nashgrove Lane, Wokingham, Berkshire, RG40 4HD; 54 Nashgrive Lane, Wokingham, Berkshire, RG40 4HD (“the Applicants”)**

**Miss Kellie Maxwell, Jason Maxwell, 1 Bute Drive, Johnstone, PA5 8PN (“the Respondents”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Ahsan Khan (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order for payment against the Respondent in favour of the Applicant in the sum of £2,537.75.**

**Background**

1. The Applicants submitted an application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicants sought an order for payment in respect of rent arrears said to have been incurred by the Respondents.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 26 June 2024 informing both parties that a CMD had been assigned for 2 August 2024 at 2pm, which was to take place by

conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondents were invited to make written representations by 17 July 2024. No written representations were received.

### **The case management discussion – 2 August 2024**

4. The CMD took place by conference call. The Applicants were represented by Mrs Kellie Deans. The Respondents joined the call and the Second Respondent spoke for both of them. This case called alongside a related case which proceeds under chamber reference FTS/HPC/EV/24/0349. The Tribunal explained the purpose of the CMD. The Respondents accepted that the rent statement produced is accurate and that they owe rent arrears. They are not in a position to pay the arrears now and wish to pay by instalments. The Applicants' representative advised that rent arrears now amount to £2,537.75. The last payment of rent due was 28 July 2024 and if the Respondents move out on 12 August 2024 as planned, the rent will be apportioned to the date they leave the Property. The Applicants' deposit is still held in an approved scheme and once that has been released, that may be applied to the balance of rent arrears.
5. The Tribunal adjourned briefly to consider the information provided by the parties. The Tribunal explained that the order for payment was granted today and the parties can keep in touch to discuss apportionment of rent and recovery of the deposit.

### **Findings in Fact**

6. The parties entered into a private residential tenancy which commenced 29 December 2017.
7. The contractual monthly rent was £477, payable in advance.
8. The Respondents owe rent arrears of £2,537.75.

### **Reason for Decision**

9. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondents accepted that they owe rent arrears and that the rent statement lodged is accurate. The Tribunal was satisfied on the basis of the rent statement and the information provided at the CMD that the sum of £2,537.75 is due by the Respondents.

### **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.**

Nicola Irvine

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**Legal Member/Chair**

**2 August 2024**  
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**Date**