



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

Chamber Ref: FTS/HPC/CV/23/4599

Re: Property at 19 Hillwood Gardens, Ratho Station, Newbridge, EH28 8PX (“the Property”)

Parties:

Mr Derek MacDonald, Mrs Joyce Macdonald, 85 North Gyle Loan, Edinburgh, EH12 8LB (“the Applicant”)

Mr Kevin Macdonald, Ms Samantha Campbell, 85 North Gyle Loan, Edinburgh, EH12 8LB; 19 Hillwood Gardens, Ratho Station, Newbridge, EH28 8PX (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Eileen Shand (Ordinary Member)

Decision

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) made a Payment Order in favour of the Applicants against the Respondents in the sum of £4,470.00 with interest at the rate of 4 per cent per year from today’s date until payment.

Background

[2] The Applicants seek a Payment Order in respect of rent arrears claimed to be lawfully due by the Respondents to the Applicants under a tenancy between the parties.

[3] The Application is accompanied by rent statements.

Case Management Discussion

[4] The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 1 July 2024. The Applicants were present together with their representative, Ms Callaghan, solicitor. The First Respondent, Mr Kevin MacDonald was personally present and confirmed that he was also representing the interests of the Second Respondent. Neither party had any preliminary matters to raise.

Issues in dispute

[5] Mr Kevin MacDonald confirmed that there was no defence to the Application and the sum sought as rent arrears was indeed lawfully due as rent arrears.

[6] Having heard from parties, the Tribunal therefore made the following findings in fact.

Findings in fact

- I. *The Parties entered into a tenancy agreement in terms of which the Applicants let the Property to the Respondents.*
- II. *The Respondents fell into rent arrears and the sum claimed of £4,470.00 is resting owed as rent arrears by the Respondents to the Applicants.*

Decision

[7] Having made the above findings in fact, the Tribunal granted the Application and made a Payment Order in favour of the Applicants against the Respondents in the sum of £4,470.00 with an award of interest at the rate of 4 per cent per year from today's date until payment.

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.

Andrew McLaughlin

Legal Member/Chair

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1 July 2024
Date