



**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/24/0871**

**Property : 55 McCallum Gardens, Bellshill ML4 2SR (“Property”)**

**Parties:**

**Craig Mitchell, 2 Wards Crescent, Coatbridge ML5 1JB (“Applicant”)**

**Property Angels Letting & Management Ltd, 14 Main Street, Bothwell G71 8RF (“Applicant’s Representative”)**

**David Lyall, 37 Gibb Grove, Bellshill ML4 3FD (“Respondent”)**

**Tribunal Members:**

**Joan Devine (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for payment of £1,644 should be made.**

The Applicant sought an order for payment of £1,644 in respect of rent arrears. The Applicant had lodged Form F. The documents produced were: a Private Tenancy Agreement which commenced on 12 February 2018 and a statement of rent arrears. The Tribunal had sight of a sheriff officer's execution of service certifying service of the Application on the Respondent on 2 July 2024.

**Case Management Discussion (“CMD”)**

A CMD took place before the Tribunal on 6 August 2024 by teleconference. The Applicant was represented by Angelina Franchitti of the Applicant’s Representative. The Respondent was not in attendance. Ms Franchitti told the Tribunal that the tenancy ended in February 2024 and that the deposit was dealt with via the deposit scheme administrator and was utilised to pay for damage at the Property. She said there had been no recent contact with the Respondent. Ms Franchitti told the Tribunal that a rent increase notice was issued which increased the rent to £386.25 per month.

## **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a Tenancy Agreement which commenced on 12 February 2018.
2. In terms of the Tenancy agreement the rent was £375 per month.
3. The rent was increased to £386.25 with effect from 19 November 2023.
4. The Respondent failed to pay the rent in full for the period 24 July 2023 to 14 February 2024. The unpaid amount was £1,644.

## **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 £375 per month. The rent was increased to £386.25 with effect from 19 November 2023.

The Respondent failed to pay the rent in full for the period 24 July 2023 to 14 February 2024. The unpaid amount was £1,644.

## **Decision**

The Tribunal grants an order for payment of £1,644.

## **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.**

**Joan Devine  
Legal Member**

**Date : 6 August 2024**