



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/24/0239

Re: Property at 60 Greenlaw Crescent, Paisley, PA1 3RT (“the Property”)

Parties:

Mrs Kerry Molloy, 2 Morton Drive, Paisley, PA2 7BF (“the Applicant”)

Miss Sharon Caldwell, 81 Kelburne Oval, Paisley, PA1 3ST (“the Respondent”)

Tribunal Members:

Melanie Barbour (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order in favour of the Applicant against the Respondent for payment of THREE THOUSAND SEVEN HUNDRED AND THIRTY-NINE POUNDS AND EIGHTEEN PENCE (£3,739.18) STERLING

Background

1. An application had been received under Rule 70 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for payment.
2. The application contained the tenancy agreement and rent statement.

3. A case management discussion took place on 11 June 2024. In attendance was the applicant's agent, Jennifer Cochrane. The respondent also appeared. The respondent disputed certain of the rent due and sought a postponement to seek legal advice. A direction was issued, and the case was adjourned to a future date.
4. On 10 September 2024 a second case management discussion was held. The applicant's agent, Jennifer Cochrane appeared. The respondent did not appear. The respondent had also not complied with the terms of the Direction issued.

Discussion

5. The applicant's agent advised that the arrears had reduced by a further £25 since the application was last considered. The respondent currently owed £3,739.18 as of 10 September 2024. She advised she sought an order for payment for that sum.
6. She had submitted the tenancy agreement between the parties and a rent statement.

Findings in Fact

7. The Tribunal found the following facts established: -
8. There existed a private residential tenancy between the parties Kelly Molloy and Sharon Caldwell.
9. It had commenced on 1 April 2017.
10. The property was 60 Greenlaw Crescent, Paisley.

11. The tenancy stated that rent was £575 a calendar month payable in advance.

12. Rent arrears as of 10 September 2024 were £3,739.18.

Reasons for Decision

13. Section 16 of the 2014 Act provides the Tribunal with the power to deal with civil matters arising out of private residential tenancies, failure to pay contractual rent, is one of those matters.

14. The applicant's agent appeared. The respondent did not appear. The applicant's agent confirmed that she sought an order for payment.

15. The tenancy contract provided that rent of £575 per month was payable by the tenant. The tenant had failed to pay all or some of that rent. As of 10 September 2024, the respondent owed £3,739.18 in rent arrears. She was in breach of contract with the landlord.

16. Considering the papers and the oral submission by the applicant's agent, the tribunal was prepared to grant the order for payment of the amended sum.

Decision

17. The Tribunal grants an order in favour of the Applicant against the Respondent for payment of THREE THOUSAND SEVEN HUNDRED AND THIRTY-NINE POUNDS AND EIGHTEEN PENCE (£3,739.18) STERLING.

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.

M Barbour

10 SEPTEMBER 2024

Legal Member/Chair

Date