

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/24/0615

Re: Property at 24 H Shore street, Gourock, PA19 1RQ (“the Property”)

Parties:

KM Corper Properties Company, 1 Ratho Street, Greenock, PA15 2BU (“the Applicant”)

Ms Pamela Bommer, 101 3/2 Greenhead Street, Glasgow, G40 1HR (“the Respondent”)

Tribunal Members:

Gillian Buchanan (Legal Member)

Decision

At the Case Management Discussion (“CMD”), which took place by telephone conference on 22 August 2024, the Applicant was not in attendance but was represented by Ms Annette Weston of Corbett & Shields. The Respondent was present.

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that:-

Background

The Tribunal noted the following background:-

- i. The Applicant leased the Property to the Respondent in terms of a Private Residential Tenancy Agreement (“the PRT”) that commenced on 14 September 2022.
- ii. The rent payable in terms of the PRT is £525 per calendar month.
- iii. A deposit of £525 was paid by the Respondent in terms of the PRT.
- iv. The rent arrears claimed in terms of the application are £1050.

The CMD

At the CMD Ms Weston for the Applicant made the following representations –

- i. By email dated 16 December 2022 the Respondent gave 28 days notice to end the tenancy.

- ii. The PRT therefore ended on 13 January 2023.
- iii. The Tribunal noted that the Applicant's claim is in respect of rent due from 25 November 2022 to 24 December 2022 and from 25 December 2022 to 24 January 2023. Ms Weston accepted that as the PRT ended on 13 January 2023 the claim for payment made in the application is overstated. Ms Weston calculated the correct rent arrears due by the Respondent to the Applicant to be £732.
- iv. With regard to the deposit of £525, Ms Weston was unsure of the position but indicated the deposit had been recovered by the Applicant and should therefore also be offset against the claim in the application reducing the arrears balance due further to £207.

The Respondent made the following representations –

- i. She accepted there to be rent arrears due to the date of her removal from the Property.
- ii. The Respondent stated that the deposit had previously been offset against other rent arrears due. She did not want Ms Weston to get into bother with her client by claiming the wrong amount. The Respondent accepted the correct arrears due to be £732.
- iii. The Respondent stated that she had taken medical redundancy in March. She had a stroke last July. She is in receipt of Universal Credit. After allowing for her household expenses she has net available sums of £203.62 to live on each month. She would like to repay the debt by instalments and stated that she could repay the debt by instalments of £50 per month.

After hearing from the parties a brief discussion ensued. The parties agreed that the rent arrears outstanding and due are £732. Ms Weston felt the instalment proposal made by the Respondent was too high and indicated that a monthly instalment of £25 would be acceptable. This would ensure no payments were missed. The parties were agreed that an order should be granted by the Tribunal against the Respondent to pay to the Applicant £732 by instalments of £25 per month.

Findings in Fact

The Tribunal made the following findings in fact –

- i. The Applicant leased the Property to the Respondent in terms of the PRT that commenced on 14 September 2022.
- ii. The rent payable in terms of the PRT is £525 per calendar month.
- iii. A deposit of £525 was paid by the Respondent in terms of the PRT.
- iv. By email dated 16 December 2022 the Respondent gave 28 days notice to end the tenancy.
- v. The PRT therefore ended on 13 January 2023.
- vi. The rent arrears due by the Respondent to the Applicant are £732.

Reasons for Decision

There were no matters of dispute between the parties and agreement was reached during the proceedings that the correct rent arrears due are £732 and that an instalment arrangement of £25 per month would be acceptable. The parties were happy for the Tribunal to grant an order to that effect.


Decision

The Tribunal made an order against the Respondent to pay to the Applicant £732 by instalments of £25 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.

G.Buchanan


Legal Member/Chair

— **22 August 2022**
Date