



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/24/0001

Re: Property at 5 Ballater Avenue, Dumfries, DG1 3DP (“the Property”)

Parties:

Mr Mervyn Turkington, Ballantrae House, Collin, Dumfries, DG1 4PT (“the Applicant”)

Mr Mitchell Black, Flat 2, 65 Irish Street, Dumfries, DG1 2PQ (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be made.

Background

1. On 29th December 2023 the Applicant lodged an application under Rule 111 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) seeking payment of a sum of rent arrears.
2. Lodged with the Application were:
 - a. Copy Notice to Leave dated 22nd November 2023 and confirming the start date of the tenancy as 31st May 2023
 - b. Rent Statement showing a rent of £550 per month and showing arrears, after recovery of the deposit of £450, of £1151.50 as at 31st December 2023
3. The Application was served on the Respondent by Sheriff Officer on 28th August 2024.

Case Management Discussion

4. The Case Management Discussion (“CMD”) took place on 23rd September 2024 by teleconference. The Applicant was present and was represented by Andrew Gray, his property manager. The Respondent represented himself.
5. The Chairperson confirmed the purposes of a CMD in terms of Rule 17 of the Rules.
6. Mr Gray asked that an order be granted for payment, in the amount of £1151.50 being the sum due as shown on the rent statement and being the arrears due as at 31st December 2023.
7. The Respondent said that he had sent a Time To Pay Application to the tribunal by post, offering to pay at £250 per month. He accepted that the sum was due. The Tribunal had not received the Time To Pay Application. Mr Gray confirmed that £250 per month was an acceptable repayment amount and that he would be content with an instalment decree.

Findings in Fact

- i. The parties entered in to a tenancy agreement for rent of the property;
- ii. The monthly rent was £450 per month;
- iii. The Respondent vacated the property on 17th January 2024;
- iv. Rent arrears owed as at 31st December 2023 were £1151.50;
- v. The Applicant was happy to accept instalments of £250 per month.

Reasons for Decision

8. The Respondent owes rent to the Applicant as at 31st December 2023 in the amount of £1151.50.

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.

A Kelly

Legal Member/Chair

Date: 23 September 2024