



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/24/2349

Property : 26 Mossgiel Road, Ayr KA7 3DL (“Property”)

Parties:

Lar Housing Trust, Buchan House, Enterprise way, Dunfermline KY11 8PL (“Applicant”)

Michael Nowack, Address Unknown (“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 £5,202.62 should be made.

The Applicant sought an order for payment of £5,277.62 in respect of rent arrears. The Applicant had lodged Form F. The documents produced were: a Private Tenancy Agreement which commenced on 15 May 2020, a rent increase notice which sought to increase the rent from £415 per month to £427.40 per month and a summary of communications between the Parties. The Tribunal had sight of a certificate which certified that the application had been advertised on the Tribunal website between 10 September 2024 and 15 October 2024.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 15 October 2024 by teleconference. The Applicant was represented by Jacqueline McDonald. There was no appearance by or on behalf of the Respondent. Mrs McDonald told the Tribunal that when the Applicant bought over the Property on 22 January 2021 they reduced the rent from £470 per month to £415 to bring it into line with other properties owned by the Applicant. She said that the rent had increased to £427.40 with effect from 1 May 2021. Mrs McDonald told the Tribunal that when the Applicant purchased the Property the rent was in arrears but they did not take on the debt. She said that that the arrears started to accumulate from 1 April 2021. She said that by September 2021 the arrears were £1,025. She said that no rent was paid between October 2021 and 10 August 2022

when the Respondent vacated the Property. She said that when the Respondent vacated the arrears were £5,277.62. She said that the Respondent made a payment of £75 on 17 April 2024 which reduced the arrears to £5,202.62

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement which commenced on 15 May 2020.
2. In terms of the Tenancy agreement the rent was £470 per month.
3. The rent was reduced to £415 per month with effect from 1 May 2022.
4. The Respondent failed to pay the rent in full for the period 1 April 2021 to 10 August 2022. The unpaid amount was £5,277.62.
5. The Respondent made a payment of £75 towards the rent arrears on 17 April 2024.

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 £470 per month but was reduced to £415 per month in January 2021 then increased to £427.40 with effect from 1 May 2022. The Respondent failed to pay the rent in full for the period 1 April 2021 to 10 August 2022. The unpaid amount was £5,277.62. A payment of £75 was made towards the arrears on 17 April 2024 which reduced the outstanding amount to £5,202.62.

Decision

The Tribunal grants an order for payment of £5,202.62.

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 : 15 October 2024