



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies)(Scotland) Act 2016**

Reference number: FTS/HPC/CV/24/2803

Order granted on 5 November 2024

**Re: Property at 10 Barnet Crescent, Kirkcaldy, KY1 1QT (“the Property”)**

**Parties:**

**Mrs Carol Aldred, residing at Toshlair, Strathnaver Street, Helmsdale, KW8 6JH (“the Applicant”)**

**Ian Brannen Astin residing at 10 Barnet Crescent, Kirkcaldy, KY1 1QT (“the Respondent”)**

**Tribunal Member:**

**Paul Doyle (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. The Applicant sought an order for payment of rental arrears totalling £9,695.00. The Applicant had lodged with the Tribunal Form F. The documents produced included a Tenancy Agreement and a schedule of unpaid rent. A copy title sheet was lodged with the Tribunal which showed that the applicants are the heritable proprietors of the Property.

**Case Management Discussion**

2. A case management discussion took place by telephone conference at 2.00pm on 5 November 2024. The applicant was represented by Ms R Doyle, solicitor. The respondent was neither present nor represented. The case file discloses that the respondent has had timeous intimation of the date, time, and method of joining the hearing. No application is made for an adjournment. This case can be justly determined in absence of the respondent.

### **Findings in Fact**

3. The Tribunal made the following findings in fact:

(i) The Applicants and the Respondent entered into a Private Residential Tenancy Agreement for the Property on 01/07/2019.

(ii) The rent in terms of the Tenancy Agreement was £85.00 per week. On 27 June 2024, the Tribunal granted an eviction order against the Respondent. On Monday 9 September 2024 the Respondent was evicted by Sheriff Officers from the property, and the tenancy was terminated.

(iii) The Respondent has been in arrears of rent continuously since on or around 3 March 2020. The last payment to the rent account was made on 7 March 2022 in the sum of £400. At the date of application there were arrears of rent totalling £9,695. At today's date there are arrears of rental totalling £10,970.00.

(iv) The respondent does not resist the application for repossession.

4. The applicant wants to amend the sum claimed by increasing the sum applied for from £9,695.00.00 to £10,970.00. That application is unopposed.

5. The sum applied for is increased to £10,970.00 to properly reflect the amount the respondent owes the applicants in arrears of rental.

### **Reasons for Decision**

6. The respondent offers no resistance to the application for a payment order. The respondent owes the applicant £10,970.00 in unpaid rental.

7. For the foregoing reasons, the Tribunal determined to make an Order for payment.

### **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.**

# P. Doyle

Legal Member

5 November 2024