



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/23/3259

Re: Property at 18 Doura Place, Irvine, Scotland, KA12 9AR (“the Property”)

Parties:

Mrs Ann Simpson, Mr David Simpson, 7 Renton Park, Irvine, Ayrshire, KA11 2EF; 7 Renton Park, Irvine, Ayrshire, KA11 2EF (“the Applicant”)

Miss Laura White, 18 Doura Place, Irvine, Ayrshire, KA12 9AR (“the Respondent”)

Tribunal Members:

Yvonne McKenna (Legal Member) and Frances Wood (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order for Payment be made in favour of the Applicant against the Respondent in the sum of £5136 (FIVE THOUSAND ONE HUNDRED AND THIRTY SIX POUNDS ONLY)

Background

1. The Applicant seeks a Payment Order in respect of rent arrears said to be lawfully due by the Respondent to the Applicant under a tenancy between the parties.
2. The Application is accompanied by a copy of the tenancy agreement and rent statements.

The Case Management Discussion

3. A Case Management Hearing (‘CMD’) took place by teleconference at 10 am on 30 October 2024. Both parties dialled in to the CMD. Neither party was represented.

4. The CMD was conjoined with an application for an Eviction Order under Chamber reference FTS/HPC/EV/23/3156.

5. The Tribunal explained to the parties the purpose of the CMD, and the procedure which would be adopted. The Tribunal explained to parties that in terms of Rule 17 (4) of the Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the Regulations"), that the Tribunal may do anything at a CMD which it may do at a Hearing, including making a decision.

6. The Applicant said that the current arrears as at October 2024 amounted to £5681.

7. The Respondent made reference to the fact that she had previously been told by the Applicant that if she agreed to make payments at the rate of £100 per month that the sum claimed would be reduced to £2,000. Mr Simpson said that this had been at a much earlier stage in the proceedings, and no payments had been made by the Respondent.

8. The Tribunal said that no updated rent statement had been provided. The Applicant could either seek to have the CMD continued to provide an updated rent statement, or the Tribunal could look at the most recent statement provided with this case dated 12 November 2023 which showed arrears of rent due of £5136. The Applicant said that they would seek a payment order in that amount.

9. Parties had discussed directly that the Respondent would pay this up at the rate of £100 per month. The Applicant said that he would enforce the Order if the Respondent did not adhere to this arrangement.

Findings in Fact

10. The Parties entered into a tenancy agreement with a commencement date 7 May 2017 in terms of which the Applicant let the Property to the Respondent.

11. The contractual weekly rent is £112 per week.

12. The sum of £5136 is currently lawfully due as rent arrears by the Respondent to the Applicant.

Reasons for Decision

13. Having made the above findings in fact, the Tribunal granted the Application and made a Payment Order in favour of the Applicant against the Respondent in the sum of £5136. The Applicant had provided a rent statement showing the rental due and outstanding. The Respondent accepted this was an accurate amount due and outstanding by her to the Applicant.

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.



Yvonne McKenna

30 October 2024

Legal Member/Chair

Date