



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/24/1853

Property : Flat 1-2, 66 Dempster Street, PA15 4EB (“Property”)

Parties:

Kirsteen Waugh Critchlow, 1 Ratho Street, Greenock PA15 2BU (“Applicant”)

Corbett and Shields, 1 Ratho Street, Greenock PA15 2BU (“Applicant’s Representative”)

Nicole Lincoln, Flat 1-2, 66 Dempster Street, PA15 4EB (“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 £8,255.00 should be made.

The Applicant sought an order for payment of £5,005 in respect of rent arrears. The Applicant had lodged Form F. The documents produced were: a Private Tenancy Agreement which commenced on 1 December 2020, rent increase notice that increased the rent from £475 per month to £500 per month with effect from 10 September 2022 and a statement of rent arrears. On 8 October 2024 the Applicant’s Representative lodged an updated statement of rent arrears which indicated the arrears were £7,775 at 1 October 2024. The Tribunal had sight of a sheriff officer’s execution of service certifying service of the Application on the Respondent on 2 December 2024.

On 27 January 2025 the Applicant’s Representative lodged an updated statement of rent arrears which indicated the arrears were £9,255 at 1 January 2025. A copy of the updated statement of arrears was sent to the Respondent

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 29 January 2025 by teleconference. The Applicant was represented by Annette Weston and Yvonne Paul of the Applicant's Representative. There was no appearance by or on behalf of the Respondent.

Ms Weston told the Tribunal that there had been no recent contact with the Respondent regarding arrears although there had been recent contact regarding a repair. She said that the Respondent had said she would put in place a payment arrangement but failed to do so. She said the Respondent was working and that there was an ongoing application for eviction order.

The Tribunal noted that the Respondent required to be given 14 day's notice of an amendment to the sum claimed. Ms Weston said that the last statement of arrears sent to the Respondent was sent on 13 November 2024 at which time the arrears were £8,255. She asked the Tribunal to amend the sum claimed to that amount. The Tribunal allowed the sum claimed to be amended to £8,255.00.

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 .December 2020.
2. In terms of the Tenancy agreement the rent was £475 per month.
3. The rent was increased to £500 per month with effect from 10 September 2022.
4. The Respondent failed to pay the rent in full for the period 1 November 2021 to 1 November 2024. The unpaid amount was £8,255.00.

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 £475 per month. Th rent was increased to £500 per month. The Respondent failed to pay the rent for the period 1 November 2021 to 1 November 2024. The unpaid amount was £8,255.00.

Decision

The Tribunal grants an order for payment of £8,255.00.

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 : 29 January 2025