



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/24/4075

Re: Property at 11 Condor Drive, Arbroath, DD11 3EP (“the Property”)

Parties:

Ms Elizabeth Nuttall, Tower 19, Apartment 1007, Porto Arabia, The Pearl, Building 19, Street 118, Zone 66, Doha, Qatar, Qatar (“the Applicant”)

Mr Barry Scott Horne, 11 Condor Drive, Arbroath, DD11 3EP (“the Respondent”)

Tribunal Members:

Shirley Evans (Legal Member) and Angus Lamont (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment against the Respondent in favour of the Applicant in the sum of ELEVEN THOUSAND THREE HUNDRED AND FORTY SIX POUNDS (£11 346) STERLING. The order for payment will be issued to the Applicant after the expiry of 30 days mentioned below in the right of appeal section unless an application for recall, review or permission to appeal is lodged with the Tribunal by the Respondent.

Background

- 1. This is an action for rent arrears in terms of Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”).**
- 2. The application was accompanied by a copy of a Private Residential Tenancy Agreement between the parties dated 29 March 2021, letters to the Respondent dated 15 July 2024 and 31 July 2024 and a rent statement.**

3. On 23 August 2024, the Tribunal accepted the application under Rule 9 of the Regulations.
4. On 15 February 2025 the Tribunal enclosed a copy of the application and invited the Respondent to make written representations to the application by 8 March 2025. The Tribunal advised parties that a Case Management Discussion ("CMD") under Rule 17 of the Regulations would proceed on 31 March 2025. This paperwork was served on the Respondent by William Wywalec, Sheriff Officer, Kirkcaldy on 17 February 2025 and the Execution of Service was received by the Tribunal administration.
5. The Respondent did not lodge any written representations by 8 March 2025.
6. On 18 March 2025 the Applicant's solicitor forwarded an up to date rent statement to 28 February 2025 showing arrears of £11 346 and seeking to increase the sum of arrears. This was sent to the Respondent.

Case Management Discussion

7. The Tribunal proceeded with a CMD on 31 March 2025 by way of teleconference. Mr Gallacher from Messrs Kee, Solicitors appeared for the Applicant. The Applicant's brother Mr Lynch was also in attendance. The Respondent appeared on his own behalf. He was supported by Ms McPhee. The action was heard together with an action for payment of rent arrears under reference FTS/HPC/EV/24/4037.
8. The Tribunal had before it the Private Residential Tenancy Agreement between the parties dated 29 March 2021, the letters to the Respondent dated 15 July 2024 and 31 July 2024 and the rent statement to 28 February 2025. The Tribunal considered these documents.
9. Mr Gallacher moved the Tribunal to grant an order for payment. He referred to his application to increase the arrears to £11346 to 28 February 2025 and explained that the arrears had increased further to £11941. The tenancy had commenced on 29 March 2021 although the Respondent had lived in the Property since 18 June 2016. In terms of the tenancy agreement the monthly rent was £595 due on the 29th of the month. The Respondent had asked that the rent be paid on 20th of each month. However, no payment had been made to the rent since 11 January 2024.
10. In response Mr Scott Horne explained that he had his own window cleaning business until February 2024. In March/April 2024 he started work as an engineer in a factory. His first full time wage was in August 2024. He explained that he had suffered with addiction but was now in recovery. He was really trying to get back on track and apologised to the Applicant. He

explained he had two sons aged 17 and 19 who lived with him. They were both in employment but did not contribute anything towards the rent.

11. In answers to questioning from the Tribunal, the Respondent accepted he was in arrears of £11 346 and that he had only made two payments to rent since July 2023. He had been on Universal Credit but was now above the threshold. He explained he had agreed a repayment plan but had not stuck with this.

Reasons for Decision

12. The Tribunal considered the issues set out in the application together with the documents lodged in support, including the tenancy agreement and the rent statement. Further the Tribunal considered the submissions made by both parties.
13. The Tribunal noted the terms of the tenancy agreement and the rent statement which set out how the arrears had arisen. The Applicant had produced evidence of persistent non-payment of rent. The Respondent accepted he was in arrears to £11 346. The Tribunal determined the sum be increased to £11 346 in terms of Rule 14A of the Regulations in accordance with the Applicant's solicitor's application to amend the sum. The Tribunal was satisfied on the basis of the documents lodged, together with both parties' submissions that an order for payment in favour of the Applicant be granted.

Decision

14. An order for payment in the sum of £11 346 was granted. The decision of the Tribunal was unanimous.

Right to 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.

Shirley Evans

31 March 2025

Legal Member

Date