



**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 (Act)**

Chamber Ref: FTS/HPC/CV/24/3544

Parties

**Stella Homeland Limited, Company (Applicant)
Ms Siobhan Donald (Respondent)**

Corbett and Shields (Applicant's Representative)

Flat 3-1 113 Wellington Street, Greenock, PA15 4DX (House)

Tribunal Members:

Alan Strain (Legal Member) and Eileen Shand (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an order for payment be granted in the sum of £1,343.57.

Background

This is an application under Rule 111 of ***The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (Rules)*** and section 71(1) of the Act in respect of a claim for payment of alleged rent arrears.

The Tribunal had regard to the following documents:

1. Application received 2 August 2024;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 24 April 2023;
3. Rent Arrears Statement as at 2 August 2024;
4. Pre Action Correspondence;
5. Certificate of Service of Tribunal CMD Notification on the Respondent by Sheriff Officers dated 21 February 2025.

CMD

The case called for a CMD by conference call on 31 March 2025. The Applicant did not participate but was represented by Ms Weston, Letting Agent. The Respondent participated and represented herself.

The Applicants' Representative informed the Tribunal that the amount of arrears had increased to £3,001.55. An order was only sought for £1,343.57 as that was the amount in the application form.

The Respondent informed the Tribunal that the flat was in a state of disrepair, there were holes in the wall, the flat was not airtight, it was cold and there had been no hot water for the shower for the duration of the tenancy. She had not informed the Applicant of any withholding of rent but maintained that she had advised of the need for repairs. She accepted that there were in the region of £1,900 arrears at the moment.

The Applicant's Representative submitted that an order should be granted in the amount of £1,343.57.

The Tribunal then considered the documentary and oral evidence it had received from the Parties and in so far as material made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 24 April 2023;
2. The monthly rent was £350 up to July 2024;
3. As at the date of the CMD the Respondent agreed she was in arrears of rent in the region of £1,900.

Decision and Reasons

The Tribunal was satisfied that in the circumstances the Applicant was due the outstanding rent from the Respondent and granted the order sought in the amount of £1,343.57.

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.

Alan Strain

31 March 2025

Legal Member/Chair

Date