



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/24/4347

Re: Property at 11 Jura Court, Dreghorn, Irvine, KA11 4JG (“the Property”)

Parties:

Mrs Catherine Brown, 5 St Josephs Drive, Chippenham, SN15 2AZ (“the Applicant”)

Ms Adele Clarke, C/o 5 Earncraig Green, Boutreehill, Irvine, KA11 1JH (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in favour of the Applicant in the sum of £2218.18.

Background

1. This is a Rule 111 application received on 17th October 2024. The Applicant is seeking an order for payment in the sum of £2218.18 in respect of rent arrears which occurred as a result of a tenancy agreement between the parties in respect of the Property which commenced on 1st August 2022.
2. By email dated 20th March 2025, Mr Alister Meek informed the Tribunal he was instructed to represent the Respondent at the forthcoming Case Management Discussion, and that the order would not be opposed.
3. By email dated 9th April 2025, the Applicant informed the Tribunal that Mr Kenny Brown would represent her at the forthcoming Case Management Discussion.

Case Management Discussion

4. A Case Management Discussion ("CMD") took place by telephone conference on 10th April 2025. The Applicant was present and represented by Mr Brown. The Respondent was not in attendance and was represented by Mr Meek.
5. Mr Meek confirmed the Respondent was not opposing the order and was not seeking any time to pay direction.
6. Mr Brown said the Applicant had hoped for some clarity as to how the sum would be paid. Mr Meek confirmed that the Respondent had indicated she was agreeable to the Applicant contacting the Department of Work and Pensions in this regard.

Findings in Fact and Law

7.
 - (i) Parties entered into a private residential tenancy agreement in respect of the Property which commenced on 1st August 2022.
 - (ii) Rent lawfully due has not been paid by the Respondent to the Applicant.
 - (iii) The Applicant is entitled to recover rent lawfully due.

Reasons for Decision

8. Rent lawfully due is outstanding. The Applicant is entitled to recover rent lawfully due.

Decision

9. An order for payment is granted in favour of the Applicant in the sum of £2218.18.

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.

Legal Member: H Forbes

Date: 10 April 2025

H Forbes