



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/21/1051

Re: Property at 2 Bridgegate, Peebles, EH45 8RZ (“the Property”)

Parties:

Mr AW Arthur as Trustee of Lodge Peebles Kilwinning No24, 2 Provost Melrose Place, Peebles, EH45 9BP (“the Applicant”)

Miss Kathryn Lowther, Mr Iain McLean, 2 Bridgegate, Peebles, EH45 8RZ (“the Respondents”)

Tribunal Members:

Nairn Young (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

- Background

This is an application for an order for payment of rent arrears alleged to be owed by the Respondents to the Applicant in terms of their private residential tenancy of the Property. It called for a case management discussion (‘CMD’) at 10am on 13 October 2021 by teleconference. The Applicant was represented on the call by Mr Richard McCurdie, one its trustees. The first-named Respondent appeared on her own and the second-named Respondent’s behalf.

The application had previously called for a CMD on 25 August 2021, at which there was an indication that the matter may be capable of settlement extra-judicially. That

had not happened. The Applicant had submitted an application to amend the application to change the sum sought to £5,380 that being the amount of arrears alleged to be outstanding as at August 2021. The Respondents did not oppose that application, and the Tribunal granted it.

- Findings in Fact

1. The Applicant lets the Property to the Respondents in terms of a private residential tenancy with a start date of 15 October 2018.
2. In terms of the tenancy agreement, rent of £500 is payable on the 15th of each month.
3. As at the end of August 2021, the Respondents were in arrears of rent of £5,380.

- Reasons for Decision

4. The Respondents owe the sum sought (as amended) and an order for payment of that amount should therefore be made.

- Decision

5. Order made for payment by the Respondents to the Applicant of the sum of £5,380 (FIVE THOUSAND, THREE HUNDRED AND EIGHTY POUNDS STERLING).

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.

Nairn Young

13th October 2021

Legal Member/Chair

Date