



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

Chamber Ref: FTS/HPC/CV/21/1744

Re: Property at 5 Argyll Street, Lochgilphead, Argyll, PA31 8LZ (“the Property”)

Parties:

Mr Don Michie, Old Manse, Onich, PH33 6RY (“the Applicant”)

Ms Susan McKeitch, c/o Argyll Inn, 69 Lochnell Street, Lochgilphead, PA31 8JN (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision (in absence of the Respondent)

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

Background

The Applicant seeks a Payment Order for rent arrears said to have been accrued by the Respondent under a tenancy at the Property between the parties.

The Case Management Discussion

The Application called for a Case Management Discussion (CMD) by conference call at 10am on 11 November 2021. The Applicant was personally present on the call. There was no appearance by or on behalf of the Respondent. A previous CMD had been postponed at the request of the Respondent. The Respondent had agreed thereafter to

communicate with the Tribunal by email and the new date and time of the CMD had been emailed out to her together with information about how to join the conference call. The Tribunal therefore decided to proceed in the absence of the Respondent.

The Tribunal heard from the Applicant regarding the basis of the claim. The Applicant had produced a copy of the tenancy and a rent statement showing a balance outstanding of £2,878.69. The Applicant confirmed that the Respondent had now vacated the Property and also spoke to the extensive efforts made to resolve matters by communication with the Respondent.

Findings in Fact

Having heard from the Applicant, the Tribunal made the following findings in fact.

- I. The parties entered into a Private Residential Tenancy in respect of the Property;*
- II. The Applicant was the landlord and the Respondent was the tenant;*
- III. The contractual monthly rent agreed was £600.00;*
- IV. The Respondent fell into rent arrears and left the Property with arrears lawfully due to the Applicant in the sum of £2,878.69.*
- V. The Respondent has failed to settle these sums and this Application is necessary.*

Reasons for Decision

Having made the above findings in fact, the Tribunal decided to grant the Application and made a Payment Order in the sum of £2,878.69. The Tribunal made an award of interest to run on that sum at the rate of 3 per cent per annum from today's date until payment.

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.

Andrew McLaughlin

Legal Member/Chair

11th November 2021

Date