



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/21/2000

Re: Property at 4 Gibliston Farm Cottage, Leven, KY9 1JS (“the Property”)

Parties:

Lord Balniel's 1997 Trust for Children (Balcarres Estate), Estate Office, Colinsburgh, KY9 1HJ (“the Applicant”)

Mr Darren Peattie, Mrs Mhairi Peattie, 18 Queen Margaret Street, St Monans, Anstruther, KY10 2BG (“the Respondents”)

Tribunal Members:

Karen Kirk (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted a Payment Order against the Respondent for the sum of £717.96.

Introduction

This Hearing concerned an Application for civil proceedings in relation to a Private Residential Tenancy under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016. The Hearing took place by teleconference due to the covid-19 pandemic.

1. Attendance and Representation

Fiona Thompson, Guy Wedderburn CM Solutions, Estate Office, Slamannan Road, Falkirk, FK1 5LX

The Respondents were not present for the Hearing. The Respondents had been served by Sheriff Officer.

2. Background/ Preliminary Matters

There were no preliminary matters raised. The hearing took place by teleconference due to the Covid19 pandemic.

3. The Hearing

The Applicant's representative stated that the Applicant sought a payment order against the Respondents. The Applicant sought a payment order for £717.96. The Applicant's representative referred to the terms of the rent statement lodged. She confirmed the tenancy began on 1st March 2018 but that the tenancy in the application is dated 23th November 2020. The Applicant's representative told the Tribunal that her company had taken over the management of the property and no signed copy of the tenancy was held. The Applicants then obtained a new signed copy tenancy on 23rd November 2020. She said no payments had been made since January 2021. The tenancy ended in January 2021. There had been no communication between parties since then. The Applicant's representative confirmed as per the terms of the rent statement lodged that the deposit for the property had been applied to the arrears.

4. Findings in Fact

1. This Application is dated 10th August 2021 and brought in terms of Rule 111 of the First-Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.
2. The Applicant is the heritable proprietor of the property.
3. The Applicant and the Respondents entered into a Private Residential Tenancy for the property on 1st March 2018.
4. This Tenancy is a Private Residential Tenancy under the Private Housing (Tenancies) (Scotland) Act 2016.
5. Rent payable under this tenancy was £550 per month.
6. As at on or around 24th May 2021 after tenancy ended in January 2021 following return of the deposit to the Applicant the rent due by the Respondent to the Applicant was 717.96.

5. Reasons for Decision

The Tribunal was satisfied that the Applicant was the heritable proprietor of the Property. The Tribunal was satisfied that there was a Private Residential Tenancy between parties and that on the evidence provided it was appropriate having regard to the overriding objective of the Tribunal to make an Order for Payment. The Tribunal was satisfied that the respondents were in arrears of rent lawfully due and a Rent Statement for the property was lodged. Rent owed from same amounted to £717.96. In terms of Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 the Tribunal granted an Order for payment for the sum of £717.96.

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.

Karen Kirk

Legal Member/Chair

29 October 2021

Date