

Housing and Property Chamber
First-tier Tribunal for Scotland



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 (“2016 Act”)

Chamber Ref: FTS/HPC/CV/22/1898

**Re: 15 Durward, East Kilbride, Glasgow, G74 3PB
 (“the Property”)**

Parties:

**Miss Debra Davidson, 11 Minehead Way, Stevenage, Hertfordshire, SG1 2HU
 (“the Applicant”)**

**Miss Rebecca Linney, 15 Durward, East Kilbride, Glasgow, G74 3PB
 (“the Respondent”)**

Tribunal Members:

Pamela Woodman (Legal Member) and John Blackwood (Ordinary Member)

Present:

The case management discussion in relation to case reference FTS/HPC/CV/22/1898 took place at 10am on Friday 21 October 2022 by teleconference call (“**the CMD**”). The Applicant was not present at the CMD but was represented by Miss Gillian Matthew (“**the Applicant’s Representative**”) of Bannatyne Kirkwood France & Co. The Respondent was not present at the CMD but was represented by Vicki McLanders (“**the Respondent’s Representative**”) of Shelter Scotland. The clerk to the Tribunal was Ailsa Taylor. This case was conjoined with case reference FTS/HPC/EV/22/1897 and heard at the same time.

DECISION

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

BACKGROUND

1. The Applicant made an application to the Tribunal under section 71(1) of the 2016 Act and in terms of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“**HPC Rules**”) which are set out in the

schedule to The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended. More specifically, the application was made in terms of rule 111 (*Application for civil proceedings in relation to a private residential tenancy*) of the HPC Rules.

2. The order sought from the Tribunal was a payment order against the Respondent in respect of the Property.
3. The application was dated 15 June 2022, requested a payment order for the sum of £2,415, and was accompanied by:
 - a. the private residential tenancy agreement between the Applicant and the Respondent dated 31 October 2019 (“**Tenancy Agreement**”).
 - b. a rental statement (“**Original Rental Statement**”) which stated that, as at 23 May 2022, the arrears of rent were £2,415.
4. A notice of acceptance of the application was issued dated 4 July 2022 under rule 9 of the HPC Rules, which confirmed that the application paperwork had been received by the Tribunal on 15 June 2022.
5. The Respondent had provided written representations in relation to both this civil proceedings case and the eviction case and, in relation to this case, she stated “Now I am in £2700 rent arrears in which I am disputing”. However, there was no explanation given as to the amount or basis of the dispute.
6. An application to amend the sum claimed from £2,415 to £3,117.33 was made on behalf of the Applicant on 7 October 2022 and was accompanied by an updated rental schedule (“**Updated Rental Schedule**”), which stated that, as at 30 September 2022, the arrears of rent were £3,117.33.
7. The Tribunal noted that the Applicant was the registered landlord of the Property.
8. The Tribunal also noted that the Applicant was the registered proprietor of the Property (title number LAN211052).
9. This decision arises out of the CMD.

PROCEEDINGS, NAMELY THE CMD

10. The Respondent’s Representative explained that the reference (in the Respondent’s submissions) to the Respondent disputing the rent arrears related to the confusing information and different amounts referred to in other correspondence from the Applicant’s agents, Your Move, in the run up to the making of the application for an eviction order.
11. The Respondent’s Representative confirmed that there was no objection to the amendment to the sum claimed and that the Respondent accepted that the arrears of rent were £3,117.33, as set out in the Updated Rental Statement.

FINDING IN FACT

12. In terms of the Tenancy Agreement, the Respondent was obliged to pay rent at the rate of £695 per calendar month in advance on or before the 30th of each calendar month.

REASON FOR DECISION

13. The Respondent's Representative had accepted, on behalf of the Applicant, that the arrears of rent were £3,117.33.

14. Accordingly, the Tribunal found, on the balance of probabilities, that £3,117.33 was due and payable by the Respondent to the Applicant.

DECISION

15. The Tribunal granted an order for payment in the amount of £3,117.33.

Right of Appeal

In terms of Section 46 of the Tribunals (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.

P Woodman

Pamela Woodman

21 October 2022

Chair

Date