



**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/23/1464

Property: 88 Murray Terrace, Carnwath, ML11 8HX

Parties:

Susan Kean, residing at 2 East Whitecastle Farm Cottage, Biggar, ML 12 6LZ (“the Applicant”)

John Clark, residing at 88 Murray Terrace, Carnwath, ML11 8HX (“the Respondent”)

**Tribunal Members:**

**Paul Doyle (Legal Member)**  
**Eileen Shand (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be made.**

**Background**

The Applicant sought an order for payment of rental arrears totalling £2,680.00. The Applicant had lodged with the Tribunal Form F. The documents produced were a Private residential tenancy agreement dated 13 November 2020 and a notice to leave dated 2 February 2023, a Notice in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003, and a schedule of unpaid rental. A copy title sheet was lodged with the Tribunal which showed that the applicant is the heritable proprietor of the Property.

**Case Management Discussion**

A case management discussion took place before the Tribunal at 2.00pm on 17 August 2023 by telephone conference. The Applicant was present, but unrepresented. The respondent was neither present nor represented. The time date and place of the case management discussion had been properly intimated to the respondent.

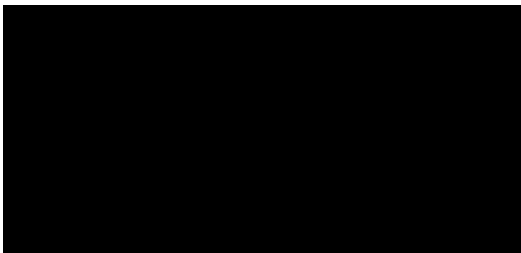
## **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement for the Property dated 13 November 2020. In terms of clause 8 of the tenancy agreement the respondents agreed to pay rental at the rate of £425.00 per month.
2. The respondent has not made a full payment of rental since December 2022. At the date of application there were arrears of rent totalling £1,595.35. At today's date there are rent arrears totalling £2,680.00
3. On 2 February 2023 the applicant served a notice to leave on the respondent in terms of s.50 of the Private Housing (Tenancies) (Scotland) Act 2016. On 9 May 2023 the applicant submitted this application to the tribunal.
4. The applicant intimated an application to amend the sum claimed by increasing the sum applied for from £1,595.35 to £2,680.00 in terms of rule 14A of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. That application is unopposed.
5. The application was amended so that the sum applied for is £2,680.00.
6. The monthly rent is £425.00. The respondent has not made a full payment of rent since December 2022.
7. The applicant is single and has no dependents. Her income is derived from Universal credit and Personal Independence payment. The applicant was injured in a car crash 2 years ago. The severity of her injuries leave her unable to work and unable to drive. She lives in rented accommodation, and depends on payment of rental from the respondent to be able to pay her own rental. She now has rent arrears due to her own landlord of more than £1,000. The property is the only property the applicant owns.
8. The applicant is isolated where she currently lives because she is in a remote rural area with inadequate public transport. The property has good public transport. The applicant is steadily falling deeper into debt because the respondent has not paid rental this year.
9. The respondent offers no resistance to the application for a payment order
10. For the foregoing reasons, the Tribunal determined to make an Order for payment. The Tribunal makes an order for payment of £2,680.00 together with interest at 4% per annum from 17 August 2023 until final 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.**



**Legal Member**

**Date 17 August 2023**