



**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/22/2088**

**Property : 8 Lamlash Gardens, Kilmarnock KA3 1AB("Property")**

**Parties:**

**Denbrae Limited, Mulberry Homes Limited, 45 Preston New Road, Blackburn BB2 6AE("Applicant")**

**TC Young, Solicitors, 7 West George Street, Glasgow G2 1BA ("Applicant's Representative")**

**Mr David Devlin, 32 Meiklewood Road, Kilmarnock KA3 2BU and Mrs Moleen Devlin, 8 Lamlash Gardens, Kilmarnock KA3 1AB ("Respondent")**

**Tribunal Members:**

**Joan Devine (Legal Member)  
Ahsan Khan (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("Tribunal") determined that an order for payment of £10,625 plus interest at the rate of 4% per annum should be made.**

**Background**

The Applicant sought an order for payment in respect of rent arrears. The Applicant had lodged Form F. The documents produced were: a Tenancy Agreement dated 6 November 2019; a schedule of rent arrears and sheriff officer's execution of service certifying service of the Application on 16 August 2022.

**Case Management Discussion**

A case management discussion took place before the Tribunal on 5 October 2022 by teleconference. Kirsty Donnelly of the Applicant's Representative was in attendance. There was no appearance by the Respondent.

Ms Donnelly told the Tribunal that the Applicant did not intend to pursue Mr Devlin for the rent arrears. He was on benefits and was not in a position to pay the sum claimed. Ms Donnelly sought to amend the Application accordingly. The Tribunal noted the level of rent arrears. Ms Donnelly said the current balance was now £14,125 but the Applicant was only seeking an order for £10,625 plus interest.

### **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a Tenancy Agreement which commenced on 6 November 2019 ("Tenancy Agreement").
2. In terms of the tenancy agreement the rent was £875 per month.
3. The Respondent failed to pay the rent in full for the period 6 February 2020 to 6 June 2022. The unpaid amount was £10,625.
4. Notice of the date of the case management discussion had been given to the Respondent on 16 August 2022.

### **Reasons for the Decision**

The Tribunal determined to allow the Application to be amended by removing Mr Devlin from the Application. The Tribunal determined to make an Order for payment. In terms of the tenancy agreement rent was due at the rate of £875 per month. The Respondent had failed to pay the rent in full for the period 6 February 2020 to 6 June 2022

### **Decision**

The Tribunal grants an order for payment of £10,625 plus interest at the rate of 4% per annum.

### **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.**

**Joan Devine  
Legal Member**

**Date : 5 October 2022**