

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 16 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/19/2283

Re: Property at Flat 4, 10 Old Mill Road, Kilmarnock, KA1 3AN (“the Property”)

Parties:

Mr Scott Allison, 42 Kirkside Crescent, Stirling, FK7 7JZ (“the Applicant”)

Miss Paige Collins and Miss Kirstie Thomson, 03/11, 357 Glasgow Harbour Terrace, Glasgow, G11 6EB (“the Respondents”)

Tribunal Members:

Nicola Irvine (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order for payment against the Respondents in the sum of £700.

Background

The Applicant submitted an application seeking an order for payment in the sum of £700. That sum related to arrears of rent in respect of the Respondents’ tenancy of the property at Flat 4, 10 Old Mill Road, Kilmarnock. The Tribunal intimated the application to the Respondents by advertisement on the Housing and Property Chamber website on 19th September 2019 and the date, time and place of today’s case management discussion was published. No written representations have been received by the Tribunal.

The Case Management Discussion

The Applicant was represented by Miss Holly Slowey. Both Respondents were personally present. The Respondents accepted that there were rent arrears but did not accept that they amounted to £700. They advised that they removed from the property on 3rd March 2019 and delivered keys back to the letting agent. They accepted that they had not paid rent since January 2019. The Tribunal read through the terms of clause 24 of the tenancy agreement in respect of the written notice required by the Respondents in the event that they wished to bring the tenancy to an end. The Respondents accepted that they did not provide the required notice and in those circumstances, accepted that the sum of £700 is due by them. The Respondents indicated that they cannot afford to pay that sum all at once. The Applicant's representative sought an order for payment in the sum of £700 and indicated a willingness to enter into negotiations in relation to a repayment plan.

Findings in Fact

1. The Respondents entered into a Tenancy Agreement in respect of the property dated 5th January 2018.
2. The rent payable was £350 per month, payable in advance.
3. The Respondents have accrued rent arrears of £700 as at the date that the present application was submitted.
4. The Applicant is entitled to the Order sought for payment in the sum of £700 in respect of rent arrears.

Reason for Decision

The Applicant has produced documentation which shows that the rent arrears amounted to £700 at the time the present application was submitted. The Respondents accepted that the sum sought is due by them. The Tribunal therefore proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Tribunal was satisfied that rent arrears are due by the Respondents and therefore granted the order for 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/Chair

Date