



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/23/0265

Property: 1 Brae Street, 2nd Floor Left, Dunkeld, PH8 0BA

Parties:

Mr Reigh Sneddon, residing at 4 Knowlea Terrace, Perth, PH2 0HQ (“the Applicant”)

and

Ms Michele Lamb, residing at 1 Brae Street, 2nd Floor Left, Dunkeld, PH8 0BA (“the Respondent”)

Tribunal Members:

Paul Doyle (Legal Member)

Mrs Elizabeth Dickson (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 £1,520.00. The Applicant had lodged with the Tribunal Form F. The documents produced included a Private Residential Tenancy agreement, A notice to quit, a s.11 Notice, 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 by telephone conference at 10.00am on 11 April 2023. The applicant was present and unrepresented. The respondent was neither present nor represented. Sheriff Officers served notice of the time date and method of joining the Case management Discussion on the respondent on 07/03/2023.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a private residential tenancy agreement for the Property dated 6 July 2021. In terms of the tenancy agreement the respondent agreed to pay rental at the rate of £380.00 per month.
2. The respondent fell into arrears of rental in October 2022. Since then, she has failed to maintain prompt and regular payments of rental. At the date of application there were arrears of rent totalling £1,520.00.
3. An order for repossession of the property was made by the tribunal on 01/03/2023 (FTS/HPC/CV/22/3606). The respondent vacated the property on 03/04/2023. By 03/04/2023 there were rent arrears totalling £2,635.00.
4. The applicant asks to amend the sum claimed by increasing the sum applied for from £1,520.00 to £2,635.00 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 is amended so that the sum applied for is £2,635.00.
6. The respondent offers no resistance to the application for a payment order
7. There is no suggestion that the respondent is in arrears of rent either wholly or partly as a consequence of a delay or failure in the payment of a relevant benefit.
8. For the foregoing reasons, the Tribunal determined to make an Order for payment. The Tribunal makes an order for payment of £2,635.00 together with interest at 4% per annum from 11 April 2023.

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.

Paul Doyle

Legal Member

11 April 2023

