



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/CV/21/0040

Property : 7 Gateside Gardens, Greenock PA16 7DQ (“Property”)

Parties:

Ashleigh Holburn, 29C Florence Street, Greenock PA16 7JY (“Applicant”)

Nicola Porteous, 7 Gateside Gardens, Greenock PA16 7DQ (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Sandra Brydon (Ordinary Member)

Background

The Applicant sought an order for payment of £3600 in respect of arrears of rent. The Applicant had lodged with the Tribunal Form F. The documents produced were: an undated Private Residential Tenancy Agreement and sheriff officer's execution of service certifying service of the Application on 11 March 2021. A case management discussion (“**CMD**”) took place before the Tribunal on 12 April 2021 by teleconference. Both the Applicant and the Respondent were in attendance. At the CMD the Applicant said that only £300 had been paid in respect of the deposit. She said that no rent had been paid. The Respondent said that she had paid the deposit and the first month's rent. As there was a dispute between the parties regarding the amount of rent outstanding, a Hearing was fixed for 12 May 2021. The Tribunal issued a Direction to the Parties asking the Applicant to provide a statement of arrears and asking the Respondent to produce documentation evidencing payments made by the Respondent to the Applicant.

Summary of Discussion at Hearing on 12 May 2021

The Applicant was in attendance. The Respondent was not. In advance of the Hearing the Applicant had provided a rent statement showing rent due for the period 10 July 2020 to 30 April 2021 of £6000. In addition the statement showed £300 paid towards the deposit of £600. No documentation had been submitted on behalf of the Respondent.

The Applicant told the Tribunal that the Respondent was in rent arrears totalling £6,000. In addition £300 remained due in respect of the deposit. The Tribunal noted that the deposit held of £300 would be recovered by the Applicant from Deposit Scotland. The Applicant told the Tribunal that the Respondent remained in occupation of the Property.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a Private Residential Tenancy Agreement which commenced on 10 July 2020 ("Tenancy Agreement").
2. The rent in terms of the Tenancy Agreement was £600 per month.
3. The Respondent had failed to make payment of the rent due for the period 31 July 2020 to 30 April 2021.

Reasons for the Decision

Rent was due in terms of the Tenancy Agreement. Rent for the period July 2020 to April 2021 had not been paid. The Tribunal determined to make an Order for payment of £6,000.00.

Decision

The Tribunal grants an order for payment of £6,000.00.

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.