

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 71(1) of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/19/1048

Re: Property at 22 Lawrence Street, Broughty Ferry, Dundee, DD5 1ET (“the Property”)

Parties:

Mrs Hazel Penny, Rear 1/1, 329 Brook Street, Broughty Ferry, Dundee, DD5 2DS (“the Applicant”)

Mr Craig Kelly, 22 Lawrence Street, Broughty Ferry, Dundee, DD5 1ET (“the Respondent”)

Tribunal Members:

Ewan Miller (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant should be granted an Order for Payment in the sum of TWO THOUSAND FOUR HUNDRED POUNDS (£2400) STERLING against the Respondent with a Time to Pay Order at the rate of £200 per calendar month

Background

The Applicant was the owner of the Property and had let the Property to the Respondent. The Applicant alleged that the Respondent had fallen in to rent arrears and sought an order for payment against the Respondent from the Tribunal.

The Tribunal had before it:-

- A copy of the Application to the Tribunal dated 3 April 2019;
- A copy of the lease between the parties;
- A copy of a rental arrears statement;
- Copies of letters from the agent notifying the Respondent of the arrears;

- Notification from the Applicant in advance of the Tribunal of the increased sums remaining outstanding (£2400).

Case Management Discussion (CMD)

The Tribunal held a CMD at Dundee Carers Centre, Seagate, Dundee at 2pm on 2 July 2019. The Applicant's husband was present as was Mr Smith of their letting agency. The Respondent was present and represented himself.

Findings in Fact

The Tribunal found the following facts to be established:-

- The Applicant was the owner of the Property;
- The Applicant had let the Property to the Respondent by a Private Rented Tenancy with effect from 8 June 2018;
- The monthly rental was £400 per calendar month;
- The Respondent had ceased paying rent in January 2019 and had not made any payments since.

Reasons for the Decision

The Tribunal based its decision on the paperwork before it and the submissions of the parties. The Respondent advised the Tribunal that he had been made redundant by his employer in late 2018. To make ends meet he had taken some payday loans, which he had since repaid. Whilst he submitted that he did now have a job, he accepted that he had not paid the rent since January and that the sums sought were due. On that basis, the Tribunal was content to grant the order. The Application had originally sought £1600 but Mr Smith, for the Applicant, had given notice, as required, more than 14 days in advance of the Tribunal seeking the increased amount outstanding. The Tribunal, after discussion with the parties, included a time to pay order at the rate of £200 per calendar month

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.

Ewan Miller

Legal Member/Chair

2/7/19

Date