



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) Act 2016 (“the Act”)

Chamber Ref: FTS/HPC/CV/20/2183

Re: Property at 56 The Fairways, Bothwell, G71 8PA (“the Property”)

Parties:

Mrs Caroline Inglis, 9b Old Bothwell Road, Bothwell, G71 8AW (“the Applicant”) per her agents TCH Law, 29, Brandon Street, Hamilton ML3 6DA (“the Applicant’s Agents”)

Mrs Lynn Kane previously known as Boyd, (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a payment Order for £708.80 with interest be granted.

Background

1. By application received between 15 October 2020 and 9 November 2020 (“the Application”), the Applicant’s Agents on behalf of the Applicant made an application to the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Chamber”) for a payment order for rent and costs amounting to £764.15 due and owing by the Respondent to the Applicant in terms of a private residential tenancy agreement between the Parties. Interest at the judicial rate was also sought. The Application comprised a copy of the tenancy agreement between the Parties and a Statement of Account showing rent amounting to £708.80 due and owing by the Respondent to the Applicant.
2. On 20 November 2020, a legal member of the Chamber with delegated powers of the Chamber President accepted the Application and a Case Management Discussion (“CMD”) was fixed for 8 January 2021 at 10.00 by telephone conference call. The CMD was intimated to both Parties.

Case Management Discussion

3. The CMD took place on 8 January 2021 at 10.00 by telephone conference call. The Applicant did not take part and was represented by Ms. Saddiq of the Applicant's Agents. The Respondent was present and not represented.
4. Ms. Saddiq confirmed the Order sought as £708.80 with interest.
5. The Respondent accepted the sum due by her and explained the circumstances which led to the debt accruing.

Findings of the Tribunal.

6. From the Application and the CMD, the Tribunal found the following facts to be established: -
 - i) There was a private residential tenancy agreement between the Parties;
 - ii) The monthly rent was £975.00;
 - iii) The rent fell into arrears around July 2019;
 - iv) Rent amounting to £708.80 remains due and owing by the Respondent to the Applicant.

Decision of the Tribunal and Reasons for the Decision.

7. Having found the sum sought is due and owing, the Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal "may do anything at a case management discussionincluding making a decision" and so proceeded to make an order for payment with interest as requested.

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.

Karen Moore

8th January 2021

Legal Member/Chair

Date