



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/20/0818**

**Re: Property at 49 Innerwood Road, Kilwinning, KA13 7DX (“the Property”)**

**Parties:**

**Mrs Patricia Adam, 44 Caledonia Road, Stevenson, KA20 3LG (“the Applicant”)**

**Miss Taylor Wilson, 49 Innerwood Road, Kilwinning, KA13 7DX (“the Respondent”)**

**Tribunal Members:**

**Richard Mill (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order for Payment against the Respondent be made in the sum of Two Thousand Seven Hundred and Seven Pounds and Eighty Nine Pence Sterling (£2,707.89)**

**INTRODUCTION**

This is an application under Rule 111 and Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.

This application was initiated at the same time as an application for an eviction under reference FTS/HPC/EV/20/0816. Case Management Discussions (CMDs) took place in both applications on 17 August 2020. An order for eviction under Section 51 of the Act was granted then.

This application was continued as the amendment of the sum sought was made orally at the last hearing (no formal Rule 14A application had been made), and it was fair to allow the respondent the opportunity to consider the position further.

Service of all relevant documents were made upon the respondent personally on 20 July 2020. No formal response or written submissions have been received.

Intimation of the fresh CMD in this application was made on the parties on 31 August 2020. The case was heard at 11.30 am on 29 September 2020.

The applicant, Mrs Patricia Adams, was represented by Ms Helen Boyd of Move2 Lettings Ltd. The respondent represented her own interests.

### FINDINGS AND REASONS

The property is 49 Innerwood Road, Kilwinning KA13 7DX.

The applicant is Mrs Patricia Adams. She is the former landlord. The respondent is Ms Taylor Wilson. She is the former tenant. She is in the process of leaving the property after the eviction order was made.

The parties entered into a private residential tenancy which commenced on 7 January 2019. The rent was stipulated at £500.00 per month. No deposit was paid.

The respondent fell into arrears of rent. A notice to leave dated 17 December 2019 was served upon the respondent due to these arrears of rent.

As at the time of the application to the Tribunal which is dated 2 March 2020, the rent arrears stood at £2,182.89. This is the sum sought in the application. A corresponding rent statement was produced with the application. The amount sought was increased to £3,002.85 at the last CMD.

On 21 September 2020 the Tribunal was updated by the agent acting on behalf of the applicant – the sum sought was being reduced due to payments of housing benefit made – the total being sought was now £2,707.89. This was a lesser amount. Fair notice had been provided to the respondent more than 14 days in advance – hand delivered intimation had been made to the respondent on 14 September 2020.

The total arrears of rent to the extent of £2,707.89 was accepted and not disputed by the respondent. The Tribunal was satisfied that the proceedings had been conducted fairly and that the respondent fully understood the position.

The Tribunal attached weight to the documentary evidence and the submissions made on behalf of the applicant. The rent statement is detailed, credible and reliable.

The applicant is entitled to recover arrears of rent lawfully due under the lease.

A payment order in the sum of £2,707.89 is made against the respondent. The respondent did not seek to make a time to pay application.

## 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.

Richard Mill

29 September 2020

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Legal Member/Chair

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Date