



**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 for Civil Proceedings in relation to a Private  
Residential Tenancy.**

**Chamber Ref: FTS/HPC/CV/20/0908**

**Re: Property at 216 High Street (Flat 5), Ayr, South Ayrshire, KA7 1RQ (“the  
Property”)**

**Parties:**

**Mr Ricky Millot, 3 Parkhouse Street, Ayr, South Ayrshire, KA7 2HH (“the  
Applicant”)**

**Mr Taylor Climie, 13 Woodend Cottages, Ayr, KA6 6AG (“the Respondent”)**

**Tribunal Members:**

Karen Kirk (Legal Member)

This Hearing was a Case Management Discussion fixed in terms of Rule 17 of the Procedure Rules and concerned an Application under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (hereinafter referred to as “the 2016 Act”) for civil proceedings in relation to a private residential tenancy. The purpose of the Hearing being to explore how the parties dispute may be efficiently resolved. The purpose of the hearing was explained and it was understood a final decision on the Application could also be made.

**Attendance and Representation**

The Applicant was represented by Shannon Milloy, Murphy Scoular, 3 Parkhouse Street, Ayr, South Ayrshire, KA8 9TE.

The Respondent attended the Tribunal.

**Preliminary Matters**

There were no preliminary matters other than the hearing took place by teleconference due to the Covid-19 pandemic.

### **Matters Raised**

The Applicant's representative confirmed that a payment order for the amount of £890 was sought. The Applicant's representative gave full details and made submissions regarding this. It was noted the Respondent is no longer in the property. The Tenancy agreement lodged confirmed the contractual monthly amount due was £445. Full and detailed rent statements had been lodged. The Respondent accepted the debt and said he and his partner had missed an appointment to try to obtain housing benefit for the months owed and did not consider he would be able to now given the months owed were December and January. He was not in a position to provide enough information when pressed by the Legal member to allow a time to pay direction to be considered. He was advised this could be done after a payment order was pronounced. He was clear he accepted liability for the sum. There were no other matters arising.

### **Decision (in the absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") granted a payment order against the Respondents for the sum of £890**

### **Reasons for Decision and Findings in Fact**

- 1. The Tribunal was satisfied that the Respondent had been notified of the Application, he was present and accepted the sum sought as due by him to the Applicant.**
- 2. Rule 17 of the Procedure Rules provides that a Tribunal can do anything at a CMD which it may do at a Hearing, including making a decision. The Tribunal was satisfied that the Tribunal had everything before it that it would require in order to make a decision having regard to the Overriding Objective.**
- 3. The PRT commenced on 30<sup>th</sup> August 2019 and had been lodged.**
- 4. The contractual month amount due for rent was £445.**
- 5. The Respondent was liable to the Applicant in terms of the said PRT for outstanding rent to the Applicant to the sum of £890 as at the date of the hearing.**
- 6. The tribunal was satisfied that the Respondents on the evidence before it owed rent to the amount of £890 to the Applicant.**

### **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.**

K. Kirk

**10<sup>th</sup> August 2020**

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**Legal Member/Chair**

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**Date**