



**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/20/1478**

**Re: Property at Flat 0/2, 4 Bridgend Road, Elderslie, PA5 9EJ (“the Property”)**

**Parties:**

**Mr Surjit Singh, 11 Barnhill Drive, Newton Mearns, G77 5FY (“the Applicant”)**

**Mr David Trotter, Flat 0/2, 4 Bridgend Road, Elderslie, PA5 9EJ (“the Respondent”)**

**Tribunal Members:**

**Helen Forbes (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in favour of the Applicant in the sum of £1,783.44**

**Background**

1. This is an application received in the period between 8<sup>th</sup> July and 2<sup>nd</sup> September 2020, made in terms of Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the Rules”). The Applicant’s representative lodged a copy of a private residential tenancy agreement in respect of the Property which commenced on 22<sup>nd</sup> December 2017, a rent statement showing an outstanding balance of £1,077.44 in rent arrears. The monthly rent is £500.
2. By email dated 30<sup>th</sup> October 2020, the Applicant’s representative applied to amend the sum sought to £1,481.44.
3. Notification letters were provided to parties on 20<sup>th</sup> November 2020. Service upon the Respondent was carried out by Sheriff Officers on 23<sup>rd</sup> November 2020.

4. By email dated 22<sup>nd</sup> December 2020, the Applicant's representative applied to amend the sum sought to £1783.44.

### **Case Management Discussion**

5. A Case Management Discussion ("CMD") took place by telephone conference on 5<sup>th</sup> January 2021. The Applicant was not in attendance and was represented by Ms Kellie Deans of Penny Lane Homes. The Respondent was in attendance.
6. Ms Deans moved for an order for payment in the sum sought. She said that previous attempts to put a payment arrangement in place had not been successful.
7. The Respondent agreed that the sum of £1783.44 was outstanding. He had encountered difficulties with making payment of his rent due to the lockdown and current climate. He said he was keen to enter into a payment arrangement and clear the arrears.
8. There was some discussion about adjourning for the Respondent to make an application for a time to pay direction. Parties agreed that an order for payment should be made by the Tribunal. The Respondent was urged to take advice from a suitable advice agency regarding this matter, and whether to make an application in due course for a time to pay order.

### **Findings in Fact**

9.
  - (i) Parties entered into a private residential tenancy agreement in respect of the Property commencing on 22<sup>nd</sup> December 2017 with a monthly rent of £500.
  - (ii) Rent lawfully due in terms of the tenancy agreement between the parties has not been paid by the Respondent.
  - (iii) The Applicant is entitled to recover rent lawfully due.

### **Reasons for Decision**

10. The Respondent has failed to make payment of rent lawfully due. The Applicant is entitled to recover rent lawfully due in terms of the tenancy agreement between the parties.

### **Decision**

11. An order for payment is granted in favour of the Applicant in the sum of £1783.44.

## 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.

# H Forbes

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Legal Member/Chair

5<sup>th</sup> January 2021  
Date