



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017

Chamber Ref: FTS/HPC/CV/21/1127

Re: Property at 68 Leander Crescent, Renfrew, PA4 0XB (“the Property”)

Parties:

Mr Jagraj Singh Khela, 7 Birnock Avenue, Renfrew, PA4 0YW (“the Applicant”)

Carmel Keegan, Alan Nicol, 68 Leander Crescent, Renfrew, PA4 0XB (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member) and Mary Lyden (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent for payment of the undernoted sum to the Applicant(s):

Sum of FOUR THOUSAND SIX HUNDRED POUNDS (£4,600) STERLING

- **Background**
 1. An application dated 11 May 2021 was submitted to the Tribunal under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondent in relation to rent arrears accrued under a private residential tenancy agreement.
- **The Case Management Discussion**
 2. A Case Management Discussion took place on 20 July 2021, by tele-conference. The Applicant was represented by Ms Matheson, solicitor. The Respondents appeared personally, with Mr Nicol speaking on behalf of both.

3. A separate application by the Applicant seeking a repossession order against the Respondent under Rule 109 of the Rules and under case reference FTS/HPC/EV/21/1126 was heard at the same time.
4. The Applicant's representative moved for the order for payment to be granted in the increased sum of £4,600. The parties had entered into a Private Residential Tenancy Agreement. The Respondents had failed to make payment of rent and at the time of submitting the application had fallen into arrears amounting to £4,280. Since submitting the application, the arrears had increased to £4,600. An application to amend the sum sought in terms of Rule 14A was made by the Applicant on 6 July 2021. Said application had been intimated on the Respondents within 14 days of the CMD, in terms of Rule 14A.
5. Mr Nicol on behalf of both Respondents submitted that he had only recent become aware of the rent arrears having accrued. He had moved out of the property following a relationship breakdown in February 2020, and had recently moved back in again. His partner, Ms Keegan, had suffered from depression and anxiety and had hid the arrears issue from him. She hadn't sought any help until recently. The level of arrears was admitted. Ms Keegan was in receipt of benefits. Mr Nicol had been off work with a work-related injury but was hoping to gain employment again in the coming weeks. He was also claiming a compensation payment due to his injury at work, which once paid could clear the arrears. He could not provide any firm timescales for payment.

- Findings in Fact

6. The Tribunal made the following findings in fact:

- (i) The parties entered into a Private Residential Tenancy Agreement ("the Agreement") which commenced 28 August 2019;
- (ii) In terms of Clause 4 of the Agreement, the Respondents were obliged to pay a monthly rent of £560 to the Applicant;
- (iii) The Respondents had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £4,600.

- Reasons for Decision

7. The Tribunal was satisfied that the Applicant was entitled to the sum as sought. The Respondents were obliged to make payment of rent in the sum of £560 per month under Clause 4 of the Agreement and had failed to do so. They had accrued arrears amounting to £4,600 and which fell lawfully due to be repaid to the Applicant. Accordingly, the Applicant was entitled to the Order for Payment as sought.

- Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent(s) for payment of the undernoted sum to the Applicant(s):

Sum of FOUR THOUSAND SIX HUNDRED POUNDS (£4,600) STERLING

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.

Fiona Watson

Legal Member/Chair

Date: 20 July 2021