



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/21/1224

Re: Property at 3 Mains Farm Steading, Cardrona, Scottish Borders, EH45 9HL (“the Property”)

Parties:

Mrs Neel Kanwal, 105 Guildford Street, Chertsey, Surrey, KT16 9AS (“the Applicant”)

Annalisa Hittle, Mr Andrew Hittle, The Neidpath Inn, Old Town, Peebles, EH45 8JF (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that:

Background

This is an Application for a Payment Order in the sum of £5,022.00 said to have been accrued by the Respondents as rent arrears under a tenancy with the Applicant at the Property. The Application was accompanied by a copy of the tenancy agreement and evidence of the rent arrears claimed.

Case Management Discussion

The Application called for a Case Management Discussion by conference call at 2 pm on 6 September 2021. The Applicant was represented by Mr Grant of Accommodate Rural. There was no appearance by or on behalf of the Respondents. The Application and information about how to join the conference call had been served on the Respondents separately on 5 August 2021. The Tribunal considered that the Respondents had fair notice of the Application and that it was fair to proceed to hear the Application in their absence.

Having considered the Application and documentary evidence and having heard from Mr Grant, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The parties entered into a Private Residential Tenancy Agreement in respect of the Property which commenced on 16 March 2018;*
- II. *The Applicant was the landlord and the Respondents were the tenants under this tenancy;*
- III. *The contractual monthly rent due was £1,100.00 until it was increased to £1,125.00 per month with effect from 16 December 2019;*
- IV. *The Respondents fell into rent arrears;*
- V. *As at the time of making the Application, the sum of £5,022.00 is lawfully due as rent by the Respondents to the Applicant but remains unpaid.*

Decision

Having made the above findings in fact, the Tribunal decided to grant the Application and made a Payment Order in the sum of £5,022.00 together with interest on that sum at the rate of three per cent per year from today's date until payment.

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.


Andrew McLaughlin

06/09/2021

Legal Member/Chair

Date