



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/21/1431

Re: Property at 26 Sinclair Place, Falkirk, FK2 7QR (“the Property”)

Parties:

Mr Neil McMillan, 28 Mill Street, Caldercruix, Airdrie, ML6 7QB (“the Applicant”)

Mr Scott Taylor, 26 Sinclair Place, Falkirk, FK2 7QR (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member) and Frances Wood (Ordinary Member)

Decision (in absence of the Respondent)

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 EIGHT HUNDRED AND SIXTEEN POUNDS AND FIFTY-FOUR PENCE (£4,816.54) STERLING

- Background
 1. An application dated 14 June 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 (“CMD”) took place on 8 September 2021 by tele-conference. The Applicant was represented by Ms Matheson of

Bannatyne, Kirkwood France & Co, solicitors. There was no appearance by or on behalf of the Respondent. The application had been intimated on the Respondent by Sheriff Officer on 5 August 2021. The Tribunal was accordingly satisfied that the Respondent had been duly notified of the date and time of the CMD and that the CMD could proceed in the Respondent's absence.

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/21/1430 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 £4,816.54. The parties had entered into a Private Residential Tenancy Agreement. The Respondent had failed to make payment of rent and at the time of submitting the application had fallen into arrears amounting to £3,990.70. Since submitting the application, the arrears had increased to £4,816.54. A formal application to amend the sum sought had been submitted under Rule 14A of the Rules and intimated on the Respondent on 25 August 2021. There had been a continuous arrear since August 2020.

- Findings in Fact

5. The Tribunal made the following findings in fact:

- (i) The parties entered into a Private Residential Tenancy Agreement ("the Agreement") which commenced 27 March 2020;
- (ii) In terms of Clause 8 of the Agreement, the Respondent was obliged to pay a monthly rent of £495 to the Applicant;
- (iii) The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £4,816.54.

- Reasons for Decision

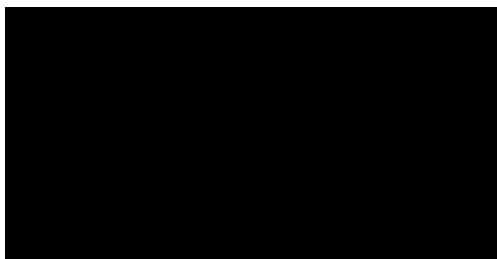
6. The Tribunal was satisfied that the Applicant was entitled to the sum as sought. The Respondent was obliged to make payment of rent in the sum of £495 per month under Clause 8 of the Agreement and had failed to do so. They had accrued arrears amounting to £4,816.54 and which fell lawfully due to be repaid to the Applicant. The Tribunal was also satisfied that in terms of Clause 8 of the Agreement, the Applicant was entitled to an award of interest at 8% per annum on the sum due.

- Decision

7. The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent for payment of the sum to the Applicant of FOUR THOUSAND EIGHT HUNDRED AND SIXTEEN POUNDS AND FIFTY-FOUR PENCE (£4,816.54) STERLING, with Interest thereon at the rate of eight per cent (8%) per annum running from the date of the decision of the First-tier Tribunal to grant the order, 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.



Legal Member/Chair

Date: 8 September 2021