



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/CV/21/1536

Re: Property at 48 George Street, Fraserburgh, AB43 9QR (“the Property”)

Parties:

Mr Frederick McIntosh, 41 Main Street, Fraserburgh, AB43 9RT (“the Applicant”)

**Miss Julia McDonald, 48 George Street, Fraserburgh, AB43 9RQ (“the
Respondent”)**

Tribunal Members:

Nicola Irvine (Legal Member) and Mike Scott (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) granted an order for payment against the Respondents in favour of
the Applicant in the sum of £6,110.00.**

[1] Background

The Applicant submitted an application seeking an order for payment from the Respondent arising from her occupation of the property. The sum sought was for rent arrears said to have been incurred by the Respondent. The Tribunal intimated the application to the parties by letter of 8 October 2021 and advised them of the date, time and conference call details of today’s case management discussion. In that letter, the parties were also told that they required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 29 October 2021. No written representations were received by the Tribunal.

The case management discussion

[2] The Applicant's representative, Mrs White, and the Respondent participated in the case management discussion which took place by conference call. The Tribunal observed that the most up to date rent statement lodged shows rent arrears of £5,170 as at 31 August 2021. The Applicant's representative advised that the sum sought in respect of rent arrears is now £6,110, the arrears having increased from £5,170 since August 2021. The Respondent advised that she had difficulty in paying all of her household bills and accepted that she had not paid rent since September 2020. She advised that she applied for universal credit in January 2021 and has been receiving £100 per month in respect of that benefit. The Respondent accepted that rent arrears of £6,110 are due by her.

[3] Findings in Fact

- i. The parties entered into a Private Residential Tenancy Agreement which commenced 1 March 2020.
- ii. The rent payable was £580 per month, albeit the parties agreed to a reduced rent of £470 per month.
- iii. The last rental payment made by the Respondent was in September 2020.
- iv. The arrears of rent due by the Respondent amount to £6,110.

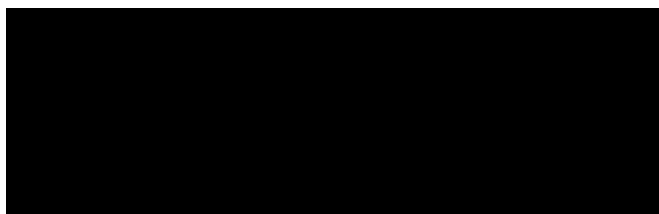
[4] Reason for Decision

The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. There was an agreement between the parties that the monthly rent was to be reduced to £470 per month. The Respondent accepted that no rent has been paid in September 2020 and that the rent arrears of £6,110 are due. The Tribunal was satisfied that the Applicant is entitled to payment and therefore granted the order for 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

15 November 2021

Date