



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ('The Procedure Rules) in relation to an application for civil proceedings relative to a Private Residential Tenancy under Rule 111 of the Procedure Rules.**

**Chamber Ref: FTS/HPC/CV/22/0909**

**Re: 11 St Brides Way, Bothwell, G71 8QQ("the Property")**

**Parties:**

**David Bennie residing at 11 St Brides way, Bothwell, G71 8QQ("the Applicant")**

**Kirsty McLean residing at care of 1 Peel Place, Bothwell, G71 8PZ ("the Respondent")**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal")**

**Tribunal Member: Jacqui Taylor (Legal Member)**

## **Background**

1. The Applicant submitted an application to the Tribunal for payment of arrears of rent in the sum of £900 being the sum outstanding as at 28<sup>th</sup> December 2021.

### **2. Documents lodged with the Tribunal.**

Documents lodged with the Tribunal by the Applicants were:

- 2.1** A copy of the Tenancy Agreement.
- 2.2** A statement

### **3.Requirements of Section 111 of the Procedure Rules.**

**3.1** In connection with the requirements of section 111 the Tribunal determined that the application correctly detailed the requirements of section 111(i), (ii) and (iii) of the Procedure Rules namely:-

- (i) the name and address of the Applicant.
- (ii) the name and address of the Respondent.
- (iii) the reason for making the application.

**3.2** The Tribunal also confirmed that the application had been accompanied by the documents specified in **Section 111(b)(i) and (ii) and (iii)** of the Procedure Rules being a copy of the lease and the statement of rent arrears.

#### **4.The initial Case Management Discussion**

This case called for a conference call Case Management Discussion (CMD) at 10am on 24<sup>th</sup> June 2022.

The Applicant attended.

The Respondent also attended along with her father James McLean.

The Respondent had not provided any written representations.

#### **4.1 The parties confirmed the following facts, which were accepted by the Tribunal:**

4.1.1 The Applicant is the Landlord of the Property 11 St Brides Way, Bothwell, G71 8QQ being the subjects registered in the Land Register of Scotland under Title Number LAN119805 ('the Property').

4.1.2 The Respondent was the Tenant of the Property in terms of the Private Residential Tenancy between the parties dated 25<sup>th</sup> June 2021.

4.1.3 The Tenancy commenced on 27<sup>th</sup> June 2021.

4.1.4 The Respondent moved out of the Property on 28<sup>th</sup> December 2021.

4.1.5 The rent due in terms of the tenancy is £450 per month, payable monthly in advance.

4.1.6 No deposit had been paid.

4.1.7 The Respondent had not paid the rent payments due on 28<sup>th</sup> October 2021 and 28<sup>th</sup> November 2021.

#### **4.2 Representations by the parties at the initial CMD.**

The Respondent explained that she had not lodged any written representations as she had not had a chance to make an appointment with the Citizens Advice Bureau. She was considering making an application for wrongful termination of the tenancy as the Applicant had not yet moved into the Property. Mrs Taylor explained that the Respondent would have to make a separate application to the Tribunal. After a short adjournment the Respondent confirmed to the Tribunal that she accepted that the outstanding rent arrears amounted to £900 and she wished an opportunity to submit an application to the Tribunal for a Time to Pay Direction.

The Applicant advised that he had bought the property on 25<sup>th</sup> June 2021. He has not yet moved into the property as works had to be carried out to the Property and he had

difficulty employing the required tradesmen but he will be moving into the Property next week. Whilst the works were being completed he had to reside in rented accommodation.

4.3 The Tribunal continued the CMD to a continued CMD at 10am on 1<sup>st</sup> September 2022. The Tribunal issued a separate direction to the Respondent directing her to issue a Time to Pay application within 14 days.

## **5. Continued Case management Discussion**

5.1 This case called for a conference call Case Management Discussion (Continued CMD) at 10am on 1<sup>st</sup> September 2022.

5.2 The Respondent did not attend the Continued CMD. The Tribunal were satisfied that the Respondent had been notified of the Continued CMD by letters dated 30<sup>th</sup> June 2022 and 23<sup>rd</sup> July 2022 and proceeded with the Continued CMD.

5.3 The Respondent had not lodged the Time to Pay application with the Tribunal.

## **6. Decision**

6.1 The Tribunal accepted as correct the evidence of the rent statement produced which showed the outstanding rent to be £900.00.

6.2 The Tribunal determined that the outstanding rent due by the Respondent amounted to £900.00 and accordingly they issued an Order for Payment in this sum.

## **7. 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: |  ate: 1<sup>st</sup> September 2022**

