

Housing and Property Chamber
First-tier Tribunal for Scotland



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/22/1020

Re: Property at 39 King Edward Street, Markinch, KY7 6AN (“the Property”)

Parties:

Fiona Souter, Woodlands House, Markinch, Fife, KY7 6HE (“the Applicant”)

Ms Wilma Mortimer, 39 King Edward Street, Markinch, Fife, KY7 6AN (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and David Fotheringham (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) decided to grant the Application and made a Payment Order in favour of the Applicant against the Respondent in the sum of £1,963.00.

Background

The Applicant seeks a Payment Order in the sum of £1,963.00 said to have been accrued as rent arrears by the Respondent under a tenancy between the parties. The Application is accompanied by a copy of the tenancy agreement, a rent statement and correspondence exchanged between the parties.

The Case Management Discussion

The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 28 July 2022. The CMD called alongside a related application in respect of an

Eviction Order between the same parties. The Applicant was present on the call. There was no appearance by or on behalf of the Respondent. Sheriff Officers had served the Application and information about how to join the conference call on the Respondent on 15 June 2022. The Tribunal therefore decided to proceed in the absence of the Respondent.

The Tribunal discussed matters with the Applicant and asked questions to assess the merits of the Application. Having done so, the Tribunal made the following findings in fact.

Findings in Fact

- I. The parties entered into a tenancy agreement which provided for the Applicant letting the Property to the Respondent under a Private Residential Tenancy;*
- II. The Private Residential Tenancy commenced on 11 December 2017;*
- III. The contractual monthly rent under the tenancy was initially £395.00 and was increased to £410.00 in or around 2019;*
- IV. For the first two years or so, the Respondent regularly made the monthly payments.*
- V. From 2019, the Respondent fell into rent arrears and would regularly miss payments resulting in rent arrears accruing;*
- VI. The Respondent on some occasions was able to reduce these arrears by making over payments of rent but arrears had increased to the sum of £1,963.00 as at 31 March 2022.*
- VII. The Respondent has not made any payment to the Applicant whatsoever since January 2022 and has failed to engage with the Applicant or provide any reason as to why no monthly rental payments are being made;*
- VIII. The sum claimed in the Application remains lawfully due to the Applicant as rent but is unpaid;*
- IX. The rent arrears have since accrued further as the sum claimed in the Application is in respect of arrears accrued up until 31 March 2022;*

Decision

Having made the above findings in fact, the Tribunal granted the Application and made a Payment Order in favour of the Applicant against the Respondent in the sum of £1,963.00.

Andrew McLaughlin

Legal Member/Chair

Date: 28 July 2022