



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/22/1567

Re: Property at 88 Cambusdoon Place, Kilwinning, Ayrshire, KA13 6SN (“the Property”)

Parties:

Steven Easton Residential Limited, 2 Newfield Drive, Dundonald, Ayrshire, KA2 9EW (“the Applicant”)

Miss Kirsty Downie, 88 Cambusdoon Place, Kilwinning, Ayrshire, KA13 6SN (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member) and Frances Wood (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondent to the Applicant in the sum of £6390.00.

Background

1. By application dated 25 May 2022 the Applicant applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondent’s tenancy of the property. The Applicant submitted a copy of the tenancy agreement together with a rent statement in support of the application.
2. By Notice of Acceptance dated 8 June 2022 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.
3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 25 July 2022.

The Case Management discussion

4. A CMD was held by teleconference on 24 August 2022. The Applicant was represented by its property manager Ms Aynsley Barclay. The Respondent attended in person.
5. Ms Barclay referred the Tribunal to the terms of the tenancy agreement and confirmed that the monthly rent was £525.00. She confirmed that the rent due at the date of the application amounted to £6390.00 and that although no further rent had been paid by the Respondent, she was not seeking to amend the sum claimed.
6. The Respondent accepted that the rent due as at the date of the application was £6390.00 and did not offer any opposition to the claim.

Findings in Fact

7. The parties entered into a Private Residential Tenancy that commenced on 1 July 2020 at a rent of £525.00 per calendar month.
8. The Respondent fell into arrears in April 2021 and as at 1 May 2022 owed the Applicant rent amounting to £6390.00.

Reasons for Decision

9. The Tribunal was satisfied from the documents produced and the oral submissions that the parties entered into a Private Residential Tenancy that commenced on 1 July 2020 at a rent of £525.00 per calendar month. The Tribunal was also satisfied that by 1 May 2022 the Respondent owed the Applicant £6390.00. As this amount was not disputed by the Respondent the Tribunal was satisfied it had sufficient information before it to allow it to make a decision without the need for a hearing.

Decision

10. The Tribunal finds the Applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £6390.00.

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

24 August 2022
Date