



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 (“The Act”)

Chamber Ref: FTS/HPC/CV/22/1708

Re: Property at 8 McBain Place, Kinross, KY13 8QZ (“the Property”)

Parties:

Ms Marion Drummond, 17 Rannoch Place, Kinross, KY13 8BQ (“the Applicant”)

Mr David John Fowler, Ms Patrice Elizabeth Stirling, 8 McBain Place, Kinross, KY13 8QZ; 8 McBain Place, Kinross, KY13 8QZ (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (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”) decided to grant the Application and made a Payment Order in favour of the Applicant against the Respondents in the sum of £1,750.00 with interest running on that sum at the rate of three per cent per year from today’s date until payment.

Background

The Applicant seeks a Payment Order in the sum of £1,750.00 said to have been accrued by the Respondents as rent arrears under a tenancy between the parties but which remains unpaid.

The Case Management Discussion

The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 29 August 2022. The CMD called alongside a related case in respect of an Eviction

order. The Applicant was represented by Ms Wooley, Trainee Solicitor of Bannatyne Kirkwood France & Co. There was no appearance by or on behalf of the Respondents. The Application and information about how to join the Conference call had been served on the Respondents by Sheriff Officers on 27 July 2022. The Tribunal accordingly decided to proceed in the absence of the Respondents.

Ms Wooley informed the Tribunal that as of today's date the sum of £1,900.00 was owed as rent arrears- albeit the Application itself sought the amount of £1,750.00 The Respondents had paid the sum of £450.00 on 22 August 2022 but had then not paid the contractual monthly rent of £600.00 on 23 August meaning that the sum of £1,900.00 was now in arrears.

The Tribunal having considered the rent statement that was produced along with the Application and having heard from Ms Wooley, made the following findings in fact.

Findings in Fact

- I. *The parties entered into a tenancy that commenced at the Property on 23 October 2019;*
- II. *The Applicant is the landlord and the Respondents are the tenants;*
- III. *The contractual monthly rent under the tenancy is £600.00;*
- IV. *The Respondents have fallen into rent arrears;*
- V. *The sum claimed of £1,750.00 is lawfully due as rent arrears by the Respondents to the Applicant under the terms of the tenancy entered into but remains unpaid.*

Decision

Having made the above findings in fact, The Tribunal decided to grant the Application and made a Payment Order in favour of the Applicant against the Respondents in the sum of £1,750.00 with interest running on that sum at the rate of three per cent per year from today's date 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.

29th August 2022

Legal Member/Chair

Date