



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017

Chamber Ref: FTS/HPC/CV/22/2040

Re: Property at 152 Maree Place, Irvine, Ayrshire, KA12 9PQ (“the Property”)

Parties:

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

Ms Caralynne Smith, 152 Maree Place, Irvine, Ayrshire, KA12 9PQ (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member) and Angus Lamont (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent for payment of the undernoted sum to the Applicant:

Sum of FIVE THOUSAND ONE HUNDRED AND TWELVE POUNDS AND SIXTEEN PENCE (£5,112.16) STERLING

- Background
 1. An application was submitted to the Tribunal under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondent in relation to rent arrears accrued under a private residential tenancy agreement.

- The Case Management Discussion
- 2. A Case Management Discussion (“CMD”) took place on 23 November 2022 by conference call. The Applicant was represented by Ms Barclay of Easton Housing Limited. Mr Easton of Easton Housing Limited was also present. The Respondent was represented by Mr Meek, from the Advice and Information Department of CHAP. The Respondent was not in attendance.
- 3. A separate application by the Applicant seeking a repossession order against the Respondent under Rule 109 of the Rules and under case reference FTS/HPC/EV/22/2039 was heard at the same time.
- 4. The Applicant’s representative moved for the order for payment to be granted in the sum of £5,112.16. The parties had entered into a Private Residential Tenancy Agreement which commenced 5 April 2018. The monthly rent due under the said Agreement was £475. The Respondent had failed to make payment of rent and at the time of submitting the application had fallen into arrears amounting to £4257.96. Since submitting the application, the arrears had continued to increase and now stood at £5,112.16.
- 5. The Respondent’s representative submitted that the Respondent had no opposition to the payment order being sought. The level of arrears was admitted.

- Findings in Fact

The Tribunal made the following findings in fact:

1. The parties entered into a Private Residential Tenancy Agreement (“the Agreement”) which commenced 5 April 2018;
2. In terms of Clause 7 of the Agreement, the Respondent was obliged to pay a monthly rent of £475 to the Applicant;
3. The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £5,112.16.

- Reasons for Decision

The Tribunal was satisfied that the Applicant was entitled to the sum as sought. The Respondent was obliged to make payment of rent in the sum of £475 per month under Clause 7 of the Agreement and had failed to do so. She had accrued arrears amounting to £5,112.16 and which fell lawfully due to be repaid to the Applicant. The arrears were not denied by the Respondent.

- Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent(s) for payment of the undernoted sum to the Applicant(s):

Sum of FIVE THOUSAND ONE HUNDRED AND TWELVE POUNDS AND SIXTEEN PENCE (£5,112.16) STERLING

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.

Fiona Watson

Legal Member/Chair

Date: 23 November 2022