



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/22/2111**

**Re: Property at 2 Ashgrove, Irvine, KA12 0SX (“the Property”)**

**Parties:**

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

**Ms Laura McDermott, 2 Ashgrove, Irvine, KA12 0SX (“the Respondent”)**

**Tribunal Members:**

**Richard Mill (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order be granted against the Respondent for payment to the Applicant the sum of Two Thousand One Hundred Pounds (£2,100)**

**Introduction**

This is an application under rule 111 and section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.

An earlier CMD took place on 18 November 2022. At that date the rent arrears had reduced since the application had been made and the respondent was adhering to a repayment plan by paying £100 a month towards the arrears in addition to the monthly rent. Matters were continued as the applicant was in hospital and could not participate.

This fresh CMD took place by teleconference at 10am on 1 March 2023. The applicant was represented by Miss Aynsley Barclay, property manager of the Applicant company. The respondent was represented by Mr Alister Meek from CHAP.

The respondent's representative confirmed her position at the outset. This had been set out in an earlier email to the tribunal on 13 February advising that there was no opposition to the application. The respondent cannot commit to regular repayments and no application for a time to pay direction was being made.

An up to date rent statement was submitted which disclosed that rent arrears had again increased and no payments have been made since December 2022.

### Findings and Reasons

The property is 2 Ashgrove, Irvine, KA12 0SX. The applicant is Easton Richmond Limited. This company is the heritable proprietor of the property and the registered landlord. The respondent is Ms Laura McDermott who is the tenant.

The parties entered into a private residential tenancy which commenced on 24 November 2021. The rent was stipulated at £625 per month. Throughout the duration of the tenancy the respondent has fallen into arrears of the contractual rental payments. The respondent continues to occupy the property.

The application is supported by a detailed account statement disclosing the sums of rent which have fallen due and the sums paid by the respondent. The tribunal found this documentary evidence credible and reliable and attached weight to it. The amount currently outstanding is £3,150 but no Rule 14 A amendment application has been made. The applicant's representative asked for an order in the restricted sum of £2,100. The respondent's representative offered no opposition.

The applicant is entitled to recover arrears of rent under and in terms of the lease. The respondent has not opposed the application and has made no time to pay application.

### **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.**

Richard Mill

1 March 2023

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Legal Member/Chair

\_\_\_\_\_  
Date