



**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/22/2923**

**Re: Property at 45A South Street, Armadale, West Lothian, EH48 3ET (“the Property”)**

**Parties:**

**Mr Alan Millar, Mrs Irene Millar, 2 Beechwood Gardens, Blackburn, West Lothian, EH47 7PS (“the Applicant”)**

**Miss Charise Watson, 45A South Street, Armadale, West Lothian, EH48 3ET (“the Respondent”)**

**Tribunal Members:**

**Mary-Claire Kelly (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for payment in the sum of TEN THOUSAND SEVEN HUNDRED AND SEVENTY POUNDS (£10,770)**

**Background**

1. By application dated 17<sup>th</sup> August 2022 the applicants seek an order for payment in respect of rent arrears.
2. The applicants lodged the following documents with the application:
  - Copy tenancy agreement
  - Letter to the respondent with Notice to Leave and Guidance dated 5<sup>th</sup> May 2022
  - Rent statement
  - Letter to respondent dated 25<sup>th</sup> July 2022

3. The present application was conjoined with an application seeking an order for eviction against the respondent under Tribunal reference FTS/HPC/CV/2920.
4. A case management discussion (“cmd”) was assigned for 28<sup>th</sup> November 2022.

#### **Case management discussion – 28<sup>th</sup> November 2022- teleconference**

5. The applicants were represented at the cmd by Mr Bryon, solicitor of Sneddon Morrison solicitors. The respondent attended on her own behalf.
6. Mr Bryon advised that arrears had increased to £10,770. He explained that the respondent had not paid any rent since March 2022. Intimation of the increased figure sought had been made by email to the Tribunal and respondent in advance of the cmd.
7. Prior to the cmd the respondent had lodged written representations stating that there were various issues of disrepair in the tenancy. As the respondent had lodged written representations and photographs and other documents relating to issues of disrepair prior to the cmd the Tribunal had anticipated that she would seek to oppose an order for payment or seek an abatement of rent due. However, the respondent explained at the cmd that she accepted that the arrears were due.
8. The respondent stated that it was her intention to repay the amount outstanding in instalments if possible.
9. The Tribunal determined to adjourn the cmd to allow the respondent to complete an application for a time to pay order and to allow the applicants to respond to that.

#### **Case management discussion- 6<sup>th</sup> March 2023- teleconference**

10. The applicants were again represented by Mr Bryon. The respondent was not present or represented. The Tribunal was satisfied that proper notice of the cmd had been given to the respondent and proceeded in her absence in terms of Rule 29.
11. Mr Bryon advised that there had been no contact from the respondent to put forward a repayment proposal since the previous cmd. It was also noted that application forms for a time to pay direction had been provided by the Tribunal

to the applicant after the previous cmd however no application had been received.

12. Mr Bryon requested that the Tribunal grant an order for payment in the sum of £10,770 in respect of the outstanding rent arrears.

### **Findings in fact**

13. Parties entered in a Private Residential Tenancy agreement with a commencement date of 27<sup>th</sup> May 2019.
14. Monthly rent due in terms of the agreement was £795.
15. The respondent has been in arrears since January 2020 and has not paid any rent since March 2022.
16. Arrears as at 28<sup>th</sup> November 2022 amounted to £10,770.

### **Reasons for the decision**

17. The Tribunal had regard to the application and the documents lodged by the applicants. The Tribunal also took into account oral submissions at the cmd on 28<sup>th</sup> November 2022 when the respondent accepted that the sum sought was due.
18. The Tribunal was satisfied that the arrears at the property amounted to £10,770 as at the date of the cmd.

### **Decision**

**The Tribunal determined to grant an order for payment in the sum of ten thousand seven hundred and seventy pounds (£10,770).**

### **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.**

**Mary-Claire Kelly**

**6<sup>th</sup> March 2023**