



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014**

**Chamber Ref: FTS/HPC/CV/22/3138**

**Re: Property at 28 Monks Road, Airdrie, ML6 9QW (“the Property”)**

**Parties:**

**JWR Holdings Ltd, 52 Southburn Avenue, Airdrie, ML6 9QW (“the Applicant”)**

**Ms Sara Pollock, 28 Monks Road, Airdrie, ML6 9QW (“the Respondent”)**

**Tribunal Members:**

**Melanie Barbour (Legal Member) and Linda Reid (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that it would grant an order for payment of £15,070.00.**

**BACKGROUND**

1. An application was made to the First Tier Tribunal for Scotland (Housing and Property Chamber) under Rule 70 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for payment.
2. The application contained:- a copy of the Tenancy Agreement; rent statement; AT6 Notice and Notice to Quit with evidence of service; and Section 11 Notice with evidence of service.

3. A case management discussion was held by telephone conference call on 21 February 2023. The applicant's agent, John Grant from Wright Johnston & MacKenzie and the respondent's agent, Rhona McLeod from LSA both took part in the case management discussion. The tribunal allowed the applicant to amend the sum sued on that date to £13,570. The respondent asked for time to lodge a time to pay application.
4. The application was continued to a hearing together with the associated eviction application on 2 May 2023. James Rafferty from the applicant company, the applicant's agent, John Grant, the respondent and the respondent's agent, Rhona McLeod all took part in the hearing.

## **HEARING**

5. At the hearing on 2 May 2023, the applicant's agent moved to amend the sum sued to £15,070.00. He had sent notice of this motion to the respondent on 17 April 2023. He moved for the order to be granted for this sum.
6. The respondent's agent advised that she had no objection to the motion to amend the sum to £15,070.00. She advised that the respondent no longer wished to lodge a time to pay application. There was no objection to the order being granted.

## **FINDINGS IN FACT**

7. The Tribunal found the following facts established:-
8. There existed an assured tenancy between the Applicant and the Respondent. It had commenced on 4 September 2017.
9. The tenancy was for the property 28 Monks Road, Airdrie.

10. Clause 1.6 of the Tenancy Agreement provides that the rent for the property is £750 per calendar month. It is payable on the 4<sup>th</sup> of each month.
11. Clause 4 provides that the landlord lets to the tenant the premises and for which the tenant undertakes to pay the landlord rent.
12. There were rent arrears outstanding as at 2 May 2023 of £15,070.00.

## **REASONS FOR DECISION**

13. Section 16 of the Housing (Scotland) Act 2014 provides that the First Tier Tribunal has jurisdiction in relation to civil proceedings arising from assured tenancies. As this tenancy is an assured the tribunal is content that it has jurisdiction to deal with this case.
14. The tenancy agreement created obligations between the parties, which included paying rent. The respondent had failed to make full payment of her rent. There was submitted a rental statement showing the arrears due. The respondent was in breach of the tenancy condition regarding payment of rent. There was no objection by the respondent to this application being granted.
15. On the basis of the papers submitted and having regard to the position of both parties, we consider that we should make an order for the sum sued.

## **DECISION**

16. The tribunal grants an order in favour of the Applicant for FIFTEEN THOUSAND AND SEVENTY POUNDS (£15,070.00) STERLING against the Respondent.

## 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.

M. Barbour

Legal Member/Chair

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2<sup>nd</sup> May 2023

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Date