



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/23/0840

Property : 5 Templand Drive, Cumnock KA18 1ER (“Property”)

Parties:

Pauline Ethel Cavanagh, 23 Gladeside Court, Succombs Hill, Warmingham, Surrey CR9 9JG (“Applicant”)

TC Young, Solicitors, 7 West George Street, Glasgow G2 1BA (“Applicant's Representative”)

Mark Torbet, 5 Templand Drive, Cumnock KA18 1ER (“Respondent”)

Tribunal Members:

**Joan Devine (Legal Member)
Gordon Laurie (Ordinary Member)**

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for payment of £6700 plus interest thereon at the rate of 4% per annum should be made.

Background

The Applicant sought an order for payment of £5700 . The Applicant had lodged Form F. The documents produced were: a Private Residential Tenancy Agreement dated 27 September 2019 and a statement of rent arrears as at 27 February 2023. The Tribunal had sight of a sheriff officer's execution of service certifying service of the Application on the Respondent on 12 April 2023.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 16 May 2023 by teleconference. In advance of the CMD the Respondent’s Representative asked that the sum claimed be amended to £6700 and lodged an updated statement of rent arrears along with a copy letter to the Respondent intimating the request to amend.

Kirstie Donnelly of the Applicant's Representative was in attendance at the CMD as was the Respondent. Ms Donnelly said that there had been no communication from the Respondent regarding payment of the arrears. The Respondent told the Tribunal that he had thought his partner was paying the rent. He said that he did not recall seeing letters about arrears. The Respondent said that he accepted the arrears had built up. He did not dispute the sum claimed of £6700.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a Tenancy Agreement dated 27 September 2019 ("Tenancy Agreement").
2. In terms of the Tenancy Agreement the rent was £500 per calendar month.
3. The Respondent has failed to pay the rent in full for the period 27 January 2022 to 27 April 2023.
4. The sum outstanding is £6700.
5. The application had been served on the Respondent on 12 April 2023.

Reasons for the Decision

The Tribunal determined to make an Order for payment. In terms of the tenancy agreement rent was due at the rate of £500 per month. The Respondent had failed to pay the rent in full for the period 27 January 2022 to 27 April 2023

Decision

The Tribunal allowed the sum claimed to be amended and grants an order for payment of £6700 plus interest at the rate of 4% per annum.

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.

J Devine

Legal Member

Date : 16 May 2023