



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/23/1497

Property : 120 Cullen Park, Cullen Drive, Glenrothes, Fife KY6 2JL (“Property”)

Parties:

Gary Payne, 89 Otley Old Road, Leeds LS16 6HG(“Applicant”)

John Scott, 120 Cullen Park, Cullen Drive, Glenrothes, Fife KY6 2JL (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Ahsan Khan (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for payment of £4976.69.

Background

The Applicant sought an order for payment of £4976.69 in respect of arrears of rent. The Applicant had lodged Form F. The documents produced were: a Tenancy Agreement dated 29 May 2018; a schedule of rent arrears and certificate of service by Sheriff Officer evidencing service of the Application on the Respondent on 11 August 2023.

Case Management Discussion (“CMD”)

A CMD took place on 13 September 2023 by conference call. The Applicant was in attendance. There was no appearance by the Respondent. The Applicant told the Tribunal that the rent had not been paid since January 2022. He said that the current arrears are £6376.69. The Tribunal noted that there had been no application to amend the sum claimed. The Applicant said that communications with the Respondent had been fine until early 2022 when the Respondent stopped paying the rent and complained about issues at the Property such as there being no carpets. The Applicant said this was incorrect and he had a check-in report showing carpets in place. He said that the boiler broke down in March 2023. It took a period of 2 weeks to replace the

boiler with a new one. The Applicant gave the Respondent a credit of £200 against the rent to compensate him. The Applicant said that his mortgage was going up and he had to act in respect of the arrears.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a tenancy agreement dated 29 May 2018.
2. In terms of the tenancy agreement the rent was £350 per month.
3. The Respondent failed to pay the rent for the period 28 February 2022 to 29 April 2023. The unpaid amount was £4976.69.
4. The Application was served on the Respondent on 11 August 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 £350 per month. The Respondent had failed to pay the rent for the period 28 February 2022 to 29 April 2023.

Decision

The Tribunal grants an order for payment of £4976.69.

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.

Legal Member

Date : 13 September 2023