



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/23/1535

Re: Property at 15 Dunton Knoll, Irvine, North Ayrshire, KA12 0RB (“the Property”)

Parties:

Easton Property Residential Limited, 2 Newfield Drive, Dundonald, South Ayrshire, KA2 9EW (“the Applicant”)

Miss Sophie Fisher, Mr Jordan Robinson, 15 Dunton Knoll, Irvine, North Ayrshire, KA12 0RB (“the Respondents”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Frances Wood (Ordinary Member)

Decision (in absence of the Respondents)

Background

[1] The Applicant seeks a Payment Order in the amended sum of £4,649.23 for rent arrears said to have been accrued by the Respondents under a tenancy between the parties.

The Case Management Discussion

[2] The Application called for a Case Management Discussion (CMD) by conference call at 10am on 4 September 2023. The Applicant was represented by Ms Barclay of Easton Housing Ltd. There was no appearance by or on behalf of the Respondents. On the basis that the Application and information about how to join the CMD had been served on the Respondents, the Tribunal decided to proceed in the absence of both Respondents.

[3] Having heard from Ms Barclay and having considered all the documentation before it, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The parties entered into a tenancy agreement whereby the Applicant let the Property to the Respondents by virtue of a Private Residential Tenancy Agreement;*
- II. *The contractual monthly rent is now £450.00;*
- III. *The Respondents have fallen into rent arrears;*
- IV. *The Respondents are now in rent arrears in the sum of £5118.97;*
- V. *The Applicant originally sought a Payment Order in the sum of £4,318.48. The Respondents subsequently had fair notice of this sum being increased to the figure of £4,649.23 by virtue of having been served with an Application for an Eviction Order which was based on rent arrears of this higher sum then due;*
- VI. *The Tribunal considers it fair and reasonable to allow the sum sought in the Application to be amended to the figure of £4,649.23;*
- VII. *This figure is lawfully due as rent by the Respondents to the Applicants but remains unpaid;*

Reasons for Decision

[4] Having made the above findings in fact, the Tribunal grants the Application and makes a Payment Order in the sum of £4,649.23

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.

Andrew McLaughlin

Legal Member/Chair

4 September 2023
Date