



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017

Chamber Ref: FTS/HPC/CV/19/2633

Re: Property at 24TR Park Avenue, Dundee, DD4 6LU (“the Property”)

Parties:

Miss Sharon Hutchison, 68 Humber Street, Hilton, Derbyshire, DE65 5NW (“the Applicant”)

Miss Carol Latimer, Mr Stewart Davie, 57 Ballantrae Place, Dundee, DD4 8QG; 57 Ballantrae Place, Dundee, DD4 8QG (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent for payment of the undernoted sum to the Applicant(s):

Sum of FOUR HUNDRED AND TWENTY-FOUR POUNDS AND FORTY-FIVE PENCE (£424.45) STERLING

- Background
1. An application dated 22 August 2019 was submitted to the Tribunal under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondent in relation to rent arrears accrued under a private residential tenancy agreement.

- The Case Management Discussion

2. A Case Management Discussion took place on 10 November 2020 by tele-conference. The Applicant was represented by their letting agent, Hazel Young of Rockford Properties. There was no appearance by or on behalf of the Respondent. The application had been heard on two prior occasions, by way of CMD on 20 January 2020 and 22 July 2020.
3. The second-named Respondent appeared personally at the CMD on 20 January 2020 at which it was admitted that the sum of £724.46 was due to the Applicant in respect of rent arrears accrued under a Private Residential Tenancy Agreement. The CMD was adjourned and continued to enable the Respondents to make payments of £80 per month to the arrears. At the CMD on 22 July 2020, the Applicant's representative confirmed that payments had been made, albeit at a reduced rate due to the Respondent's income having reduced in recent times. The CMD was continued for one final occasion for further payments to be made.
4. At the CMD on 10 November 2020, the Applicant's representative moved for the order for payment to be granted in the reduced sum of £424.45. It was submitted that the agreed payments of £80 had been made in February and March, then £30 in June and £60 in July. A payment of £80 was made in August and nothing further had been paid since then. Attempts had been made to contact the Respondents by telephone but these had been unsuccessful.

- Findings in Fact

5. The Tribunal made the following findings in fact:
 - (a) The parties entered into a Private Residential Tenancy Agreement ("the Agreement") which commenced 30 March 2018;
 - (b) In terms of Clause 8 of the Agreement, the Respondents were obliged to pay a monthly rent of £430 to the Applicant;
 - (c) The Respondents had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £424.45.

- Reasons for Decision

6. The Tribunal was satisfied that the Applicant was entitled to the sum as sought. The Respondents were obliged to make payment of rent in the sum of £430 per month under Clause 8 of the Agreement and had failed to do so. They had accrued arrears amounting to £424.45 and which fell lawfully due to be repaid to the Applicant. Accordingly, the Applicant was entitled to the Order for Payment as sought.

- Decision

7. The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent(s) for payment of the undernoted sum to the Applicant(s):

Sum of FOUR HUNDRED AND TWENTY-FOUR POUNDS AND FORTY-FIVE PENCE (£424.45) STERLING

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.

Fiona Watson

Legal Member/Chair

10 November 2020