



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/20/1511

Re: Property at 23 Treeswoodhead Road, Kilmarnock, KA1 4NB (“the Property”)

Parties:

County Property Investments, The Lodge, Westridge, Les Pins Route De Cobo, Castel Guernsey, GY5 7UP (“the Applicant”)

Ms Nicole Kay, 75 Shortlees Road, Kilmarnock, KA1 4RG (“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 SEVENTY-FOUR POUNDS AND FIFTY-FOUR PENCE (£474.54) STERLING

- Background
- 1. An application dated 29 June 2020 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 personally present. There was no appearance by or on behalf of the Respondent. The application had been intimated on the

Respondent by recorded delivery post and signed for on 23 October 2020. The Tribunal was accordingly satisfied that the Respondent had been duly notified of the date and time of the CMD and that the CMD could proceed in the Respondent's absence.

3. The Applicant moved for an order for payment to be granted in the sum of £474.54. The parties had entered into a Private Residential Tenancy Agreement. In terms of Clause 8 of the Agreement the Respondent was due to pay a monthly rent of £525 and had failed to do so. The rent arrears had commenced in March 2018 and there had been a continuous arrear up to the date of the Respondent's removal from the Property on 11 February 2020. In terms of the Agreement, the Respondent was obliged to give the Applicant one month's notice of their intended removal from the Property and had failed to do so. A rent statement was lodged and which set out how the arrears had accrued from the commencement of the tenancy and throughout to date of termination.

- Findings in Fact

4. The Tribunal made the following findings in fact:

- (a) The parties entered into a Private Residential Tenancy Agreement ("the Agreement") which commenced 13 February 2018;
- (b) The Respondent removed from the Property on 11 February 2020;
- (c) In terms of Clause 8 of the Agreement, the Respondent was obliged to pay a monthly rent of £525 to the Applicant;
- (d) The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £474.54.

- Reasons for Decision

5. The Tribunal was satisfied that the Applicant was entitled to the sum as sought. The Respondent was obliged to make payment of rent in the sum of £525 per month under Clause 8 of the Agreement and had failed to do so. She had accrued arrears amounting to £474.54 and which fell lawfully due to be repaid to the Applicant. Accordingly, the Applicant was entitled to the Order for Payment as sought.

- Decision

6. 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 SEVENTY-FOUR POUNDS AND FIFTY-FOUR PENCE (£474.54) 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

10 November 2020

Legal Member/Chair

Date