



Decision with Written 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/21/1451

Re: Property at 318 Westwood Hill, East Kilbride, G75 8PR (“the Property”)

Parties:

Mrs Sine Campbell, 62 Glen Feshie, East Kilbride, G74 2BH (“the Applicant”)

Leigh Donovan, Neil Gribben, 318 Westwood Hill, East Kilbride, G75 8PR (“the Respondent”)

Tribunal Member:

Karen Kirk (Legal Member) and Tony Cain (Ordinary Member) Introduction

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted a Payment Order against the Respondent for the sum of £440.

Introduction

This Hearing concerned an Application for civil proceedings in relation to a Private Residential Tenancy under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016. The Hearing took place by teleconference due to the covid-19 pandemic.

1. Attendance and Representation

Heather Fraser, Letting Manager, The Property Store, 6 Hunter Street, East Kilbride, G74 4LZ, attended for the Applicant.

The Respondents were not present for the Hearing. The Respondents were aware of the Hearing.

2. Background/ Preliminary Matters

This application called before the Tribunal as a CMD on 11th August 2021.

The Application called alongside an application for an Eviction Order with the same parties. The Eviction Application was continued to a Hearing due to insufficient evidence and it was appropriate that this Application was not fully determined until that date also. There had been some changes in the rent account and the Respondents had been making payments towards the rent arrears.

The Applicant's representative confirmed that the Applicant had received vacant possession of the property on the 27th August 2021 and their Application for Eviction had been withdrawn.

3. The Hearing

The Applicant's representative stated that the Applicant sought a payment order against the Respondent. The Applicant sought a payment order for £440. The Applicant's representative referred to the terms of the rent statement lodged which she confirmed were accurate. The applicant's representative had lodged an updated rent statement on 2nd September 2021. She confirmed this had been intimated on the Respondents. She said in light of same she sought to amend the sum sought again to £440. The Applicant's representative said that the Respondents had made two payments on 13th August 2021 of £550 and £475. She referred to the updated rent statement and confirmed the amount owed was £440.

4. Findings in Fact

1. This Application is dated 15th June 2021 and brought in terms of Rule 111 of the First-Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.
2. The Applicant is the heritable proprietor of the property.
3. The Applicant and the Respondents entered into a Private Residential Tenancy for the property in November 2020.
4. This Tenancy is a Private Residential Tenancy under the Private Housing (Tenancies) (Scotland) Act 2016.
5. Rent payable under this tenancy was £560 per month.
6. As at on or around 22nd September 2021 the rent due by the Respondent to the Applicant was £440.

5. Reasons for Decision

The Tribunal was satisfied that the Applicant was the heritable proprietor of the Property. The Tribunal was satisfied that there was a Private Residential Tenancy between parties and that on the evidence provided it was appropriate having regard

to the overriding objective of the Tribunal to make an Order for Payment. The Tribunal was satisfied that the respondents were in arrears of rent lawfully due and a Rent Statement for the property was lodged. Rent owed from same amounted to £440. In terms of Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 the Tribunal granted an Order for payment for the sum of £440.

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.

Karen Kirk

Legal Member/Chair

22nd September 2021

Date