



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/21/1690

Re: Property at Flat 1, 22 Catherine Street, Dumfries, DG1 1JF (“the Property”)

Parties:

Mr Miles Wenner, Mrs Britt Wenner, 1 Moffat Road, Dumfries, DG1 1NJ; 2 Moffat Road, Dumfries, DG1 1NJ (“the Applicant”)

Ms Camila Aguiar Penha, Flat 1, 22 Catherine Street, Dumfries, DG1 1JF (“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 sum of FOUR THOUSAND SIX HUNDRED AND TWENTY POUNDS (£4,620) STERLING to the Applicant(s):

With Interest thereon at the rate of two per cent (2%) per annum running from the date of the decision of the First-tier Tribunal to grant the order, being 21 September 2021, until payment.

- Background
- 1. An application dated 14 July 2021 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 (“CMD”) took place on 21 September 2021 by tele-conference. The Applicant was represented by Ms Caldwell, TC Young. There was no appearance by or on behalf of the Respondent. The application had been intimated on the Respondent by Sheriff Officer on 21 August 2021. 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’s representative moved for the order for payment to be granted in the sum of £4,620. The parties had entered into a Private Residential Tenancy Agreement which commenced 1 September 2019. The Respondent had failed to make payment of rent and at the time of submitting the application had fallen into arrears amounting to £3,780. Since submitting the application, the arrears had increased to £4,620. An application had been submitted by the Applicant under Rule 14A to increase the sum sought and which had been lodged with the Tribunal and imitated on the Respondent on 3 September 2021. The arrears had commenced in November 2020 and there had been a continuous arrear to date.

- Findings in Fact

4. The Tribunal made the following findings in fact:
 - (i) The parties entered into a Private Residential Tenancy Agreement (“the Agreement”) which commenced 1 September 2019;
 - (ii) In terms of Clause 7 of the Agreement, the Respondent was obliged to pay a monthly rent of £420 to the Applicant;
 - (iii) The Respondent had failed to make payment of rent as fell lawfully due and had accrued arrears amounting to £4,620.

- 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 £420 per month under Clause 7 of the Agreement and had failed to do so. She had accrued arrears amounting to £4,620 and which fell lawfully due to be repaid to the Applicant.

- Decision

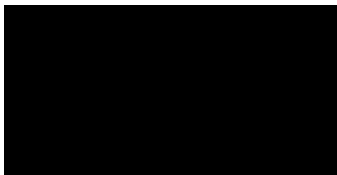
6. The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent(s) for payment of the undernoted sum to the Applicant(s):

Sum of FOUR THOUSAND SIX HUNDRED AND TWENTY POUNDS
(£4,620) STERLING

With Interest thereon at the rate of two per cent (2%) per annum running from the date of the decision of the First-tier Tribunal to grant the order, being 21 September 2021, until payment.

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/Chair

Date: 21 September 2021