



**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/22/1466**

**Re: Property at Flat 1/2, 2 Morton Terrace, Greenock, PA15 4SX (“the Property”)**

**Parties:**

**Mr Paul Wilkinson, 94 Duke Street, Glasgow, G4 0UW (“the Applicant”)**

**Miss Andi Louise McNicol, Flat 1/2, 2 Morton Terrace, Greenock, PA15 4SX (“the Respondent”)**

**Tribunal Members:**

**Shirley Evans (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment against the Respondent in favour of the Applicant in the sum of ONE THOUSAND FOUR HUNDRED POUNDS (£1400) STERLING. The order for payment will be issued to the Applicant after the expiry of 30 days mentioned below in the right of appeal section unless an application for recall, review or permission to appeal is lodged with the Tribunal by the Respondent.**

**Background**

1. This is an application dated 17 May 2022 made by the Applicant’s representative for an order for payment of rent arrears under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”).
2. The application was accompanied by a copy of a Private Residential Tenancy Agreement between the parties dated 10 September 2021 and a rent statement to May 2021 showing arrears of £700.

3. On 24 June 2022 the Tribunal accepted the application under Rule 9 of the Regulations.
4. On 23 July 2022 the Tribunal enclosed a copy of the application and advised parties that a Case Management Discussion (“CMD”) under Rule 17 of the Regulations would proceed on 6 September 2022. The Respondent required to lodge written submissions by 13 August 2022. This paperwork was served on the Respondent by Stuart Sinclair, Sheriff Officer, Glasgow on 26 July 2022 and the Execution of Service was received by the Tribunal administration. The Respondent made no representations.
5. On 25 August 2022 the Applicant’s representative made an application to increase the sum of arrears to £1400 in terms of Rule 14A of the Regulations and produced an up to date rent statement. A copy of this was sent to the Respondent.

### **Case Management Discussion**

6. The Tribunal proceeded with a Case Management Discussion on 6 September 2022 by way of teleconference. The Applicant’s representative Mr Reynolds from Smart Move Estate and Letting Agents appeared for the Applicant. Miss McNicol appeared on her own behalf.
7. The Tribunal had before it the Private Residential Tenancy Agreement between the parties signed and dated 10 September 202 and the up to rent statement showing arrears of £1400. The Tribunal considered these documents.
8. Mr Reynolds explained that parties had entered into a Private Residential Tenancy Agreement which commenced on 13 September 2021 in terms of which the Respondent had agreed to pay £350 per month. The Tribunal noted that in terms of Clause 8 of the tenancy agreement the Respondent had agreed to that. The Respondent fell into arrears which had increased to £1400. Mr Reynolds referred to the rent statement lodged with his application to increase the arrears sum. He explained with reference to the rent statement that 4 payments had been made this year with the last payment being on 6 July 2022. The Tribunal noted the payments referred to on the rent statement. He moved the Tribunal to grant an Order for payment of £1400.
9. Miss McNicol admitted the arrears of £1400. She explained that due to depression she started to ignore the fact she had to pay rent. She was in receipt of Universal Credit of £560 per month and did not receive the full amount of housing costs to cover the rent. She estimated about £200 was the amount of housing costs she received. She was trying to get her affairs in order and had arranged for the housing costs to be paid direct to the Applicant through the DWP which she thought would start about 10 September 2022.

### **Findings in Fact**

10. The Applicant and the Respondent agreed by way of Clause 8 of a Private Residential Tenancy Agreement dated 10 September 2021 in relation to the Property that the Respondent would pay the Applicant a monthly rent of £350.
11. The Respondent has fallen into arrears of rent of £1400.

### **Reasons for Decision**

12. The Tribunal considered the issues set out in the application together with the documents lodged in support. Further the Tribunal considered the submissions made by Mr Reynolds and by Miss McNicol.
13. The Tribunal noted the terms of the tenancy agreement and the rent statement lodged which set out how the arrears had arisen and showed the total arrears to September 2021 as being £1400. The Tribunal noted the Respondent admitted she was in arrears of £1400. Mr Reynolds had produced evidence of non-payment of rent and that the arrears had increased from £700 to £1400. The Tribunal was satisfied on the basis of the documents and on the basis of the submissions made by the parties that an order for payment in favour of the Applicant be granted.

### **Decision**

14. The Tribunal granted an order for payment of £1400.

### **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**

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Legal Member

6 September 2022

Date