



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 2003

Chamber Ref: FTS/HPC/CV/22/4000

Re: Property at 29A Adamson Avenue, Kirkcaldy, KY2 5EH (“the Property”)

Parties:

PROP1000FOL Limited, 6 Redheughs Rigg, Edinburgh, EH12 9DQ (“the Applicant”)

Miss Lyecia Townsley, Mr Steven Townsley, 29A Adamson Avenue, Kirkcaldy, KY2 5EH (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) decided to grant the Application and made a Payment Order in favour of the Applicant against the Respondents in the sum of £5,544.19.

Background

The Applicant seeks Payment Order in respect of arrears of rent said to be lawfully due by the Respondents to the Applicant but which are said to remain unpaid. The Application is accompanied by a copy of the tenancy agreement and rent statements. The Respondents had also submitted extensive written representations. All of these had been fully considered by the Tribunal in advance of the Case Management Discussion.

The Case Management Discussion

The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 13 March 2023. The Applicant was represented by their letting agent, Ms Barnes. Both Respondents were personally present. Neither party had any preliminary matters to raise.

The Respondents accepted that as of today they owed rent arrears in the sum of £5,544.19. It appeared a payment plan had been previously entered into but this had broken down.

Having heard from parties and having considered all the documentary evidence before the Tribunal, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The parties entered into a tenancy whereby the Applicant let the Property to the Respondents by virtue of a Private Residential Tenancy Agreement that commenced on 18 November 2019;*
- II. *The contractual monthly rent was the sum of £520.00;*
- III. *The parties attempted to enter into a repayment plan but this arrangement broke down;*
- IV. *Since receiving notices to leave, the Respondents have failed to make any rental payments at all. No Payments have been made since August 2022. The Respondents now have rent arrears lawfully due to the Applicant in the sum of £5,544.19.*

Decision

Having made the above findings in fact, the Tribunal granted the Application and made a Payment Order in favour of the Applicant against the Respondents in the sum of £5,544.19.

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

13 March 2023

Date