



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) arising out of a tenancy under Section under Section 1 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/21/1857

Re: Property at 83 Gillway, Rosyth, Fife, KY11 2UL (“the Property”)

Parties:

Mr David Scott, 6 Linn Mill, South Queensferry, EH30 9ST (“the Applicant”)

Mr Christopher Murray, 83 Gillway, Rosyth, Fife, KY11 2UL (“the Respondent”)

Tribunal Members:

Susan Christie (Legal Member) and Gordon Laurie (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment be made for the Respondent to pay to the Applicant the sum of £10,082.27.

Background

1. The application was accepted by the tribunal on 19 October 2021. The Applicants seek an order for payment.
2. The tribunal paperwork was served on the Respondent by Sheriff Officers service on 27 October 2021.
3. No written representations were submitted by the Respondent.
4. The Applicant provided further documents in response to the Directions issued by the tribunal. Those lodged timeously were considered.

The Case Management Discussion- 2 February 2022

5. A Case Management Discussion (CMD) took place today by conference call. The Applicant was represented by Ms Murray.
6. The Respondent did not participate.
7. The paperwork submitted along with the Application was examined and discussed alongside the recently lodged documents that had been timeously received and crossed over to the Respondent.

8. The Applicant is the registered owner of the Property and landlord.
9. A Private Residential Tenancy (PRT) was entered into between the Applicant and the Respondent on or around 27 November 2019, with a start date of 23 December 2019.
10. The rent is £495 per calendar month payable in advance.
11. The rent account statements produced were considered. The rent arrears figure as at today is £10,082.27 including the last rent payment due on 23 January 2022.
12. The last payment made by the Respondent towards the rent was £142.16 on 7 May 2021. No further payments have been received.
13. The Applicant's Representative sought a payment Order today for the unpaid rent due.
14. Two brief adjournments took place to allow discussion between the tribunal members and to allow the rent arrears figure to be calculated and checked alongside the paperwork. All late payment charges were disregarded and are not included in the figure of £10,082.27.

Findings in Fact

- I. A Private Residential Tenancy (PRT) was entered into between the Applicant and the Respondent on or around 27 November 2019, with a start date of 23 December 2019.
- II. The rent is £495 per calendar month payable in advance in terms of the PRT.
- III. The total arrears figure due today for unpaid rent is £10,082.27.
- IV. An Order for payment to the Applicant in the sum of £10,082.27 by the Respondent is granted.

Reasons for Decision & Decision

There was no participation by the Respondent, and he had not made any written representations. He had been given a further opportunity to state his position in response to a Direction. The documents received from the Applicant in response to the Direction had been crossed over.

The tribunal had regard to all that was said, and the paperwork produced and carefully considered it.

A Private Residential Tenancy (PRT) was entered into between the Parties. The Respondent had undertaken to pay rent.

The Respondent was called upon to pay the ongoing rent as well as the arrears or enter into a repayment agreement and had failed to make any payment after May 2021.

As at today the rent arrears due totalled £10,082.27, which included the last rental payment due on 23 January 2021.

Given the wording of the claim in the application form, the tribunal disregarded the amounts said to be owed under clause 9.2 of the PRT that related to 'late payment charges' when making the Order for payment.

The Tribunal granted a payment order. The decision is unanimous.

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.

Susan Christie

Legal Member/Chair

2 February 2022
Date