



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/20/2098

Re: Property at 4 Brookside, Victoria Place, Brightons, Falkirk, FK2 0UB (“the Property”)

Parties:

Miss Emily Walker, 4 Brookside, Victoria Place, Brightons, Falkirk, FK2 0UB (“the Applicant”)

Mr Christopher Devlin, 36 Erskine Hill, Polmont, Falkirk, FK2 0UQ (“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 undernoted sum to the Applicant(s):

Sum of THREE THOUSAND AND SEVENTY-TWO POUNDS AND EIGHTY-ONE PENCE (£3,072.81) STERLING

- Background
- 1. An application dated 28 September 2020 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 24 November 2020 by tele-conference. The Applicant was personally present. There was no appearance by or on behalf of the Respondent. The application had been intimated on the Respondent by Sheriff Officer on 23 October 2020. 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 moved for the order for payment to be granted in the sum of £3,072.81. The parties had entered into a Private Residential Tenancy Agreement. The monthly rent under said Agreement was £595. The Respondent failed to pay any rent between 12 April 2020 and 16 September 2020, the latter being the date he vacated the property. The Applicant’s managing agent had made a number of attempts to contact the Respondent to discuss payment of the arrears, but despite a number of promises to do so, the Respondent had failed to make payment. The Respondent had accrued arrears of rent amounting to £3,072.80.

- 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 12 July 2018;
- (ii) In terms of Clause 8 of the Agreement, the Respondent was obliged to pay a monthly rent of £595 to the Applicant;
- (iii) The Respondent vacated the Property on 16 September 2020;
- (iv) The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £3,072.81.

- 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 £595 per month under Clause 8 of the Agreement and had failed to do so. He had accrued arrears amounting to £3,072.81 and which fell lawfully due to be repaid to the Applicant. Accordingly, the Applicant was entitled to the Order for Payment as sought.

- 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 THREE THOUSAND AND SEVENTY-TWO POUNDS AND EIGHTY-ONE PENCE (£3,072.81) STERLING

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.

Fiona Watson

24 November 2020

Legal Member/Chair

Date