



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/22/3025**

**Re: Property at Flat 1/2, 202 Glasgow Road, Dumbarton, G82 1DR (“the Property”)**

**Parties:**

**Mr Alan Lennie, 207 Benfieldside Road, Shotley Bridge, Consett, DH8 0RA (“the Applicant”)**

**Ms Stephanie Thomas, Flat 1/2, 202 Glasgow Road, Dumbarton, G82 1DR (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Elizabeth Currie (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that**

**Background**

1. The Applicant submitted an application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order for payment in respect of arrears said to have been incurred by the Respondent.
2. A case management discussion (“CMD”) took place on 11 April 2023 and reference is made to the Note issued following that CMD.
3. The Tribunal wrote to the parties by letter of 14 April 2023 and advised them of the date, time and conference call details of today’s CMD. In that letter, the parties were also told that they required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been

fair. The Respondent was invited to make written representations by 5 May 2023. No written representations were received.

### **The case management discussion**

4. The CMD took place by conference call. The Applicant was represented by Mr Niblett and the Respondent joined the conference call personally. This case called alongside a related case which proceeds under chamber reference FTS/HPC/EV/22/3024. The Applicant's representative moved to increase the sum sued for to £5,275, which sum is reflected in the updated rent statement lodged on 14 April 2023. The Respondent accepted that she owes rent arrears of £5,275. She intends to repay the rent arrears by instalments, although was not in a position to make a proposal to repay right now.

### **Findings in Fact**

5. The parties entered into a private residential tenancy which commenced 2 January 2020.
6. The contractual monthly rent is £475, payable in advance.
7. The Respondent owes rent arrears of £5,275.

### **Reason for Decision**

8. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondent accepted that she has incurred rent arrears and was not opposed to an order for payment being granted. The Tribunal was satisfied that the Respondent owes rent arrears of £5,275 to the Applicant.

### **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.**

# N Irvine

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Legal Member/Chair

17 May 2023

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Date