



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 (“the Act”) and First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)

Chamber Ref: FTS/HPC/CV/20/1053

Re: Property at 81 Kelburne Oval, Paisley, Renfrewshire, PA1 3ST (“the Property”)

Parties:

Mr Stuart McKechnie and Mrs Dorothy McKechnie, 42 Alice Street, Paisley, PA2 6EB (“the Applicant”) per their agents, Messrs Bannatyne, Kirkwood France & Co., 16 Royal Exchange Square, Glasgow, G1 3AG

Mr Alan Cluckie, 81 Kelburne Oval, Paisley, Renfrewshire, PA1 3ST (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a payment order in the sum of FOUR THOUSAND EIGHT HUNDRED AND FORTY SIX POUNDS AND FIFTY ONE PENCE together with interest at the judicial rate of eight per centum per annum from today’s date be granted.

Background

1. By application received on 9 April 2020 (“the Application”), the Applicant’s Agents on behalf of the Applicant made an application to the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Chamber”) for a payment order for rent due arising from a private residential tenancy agreement between the Parties. The Application comprised an application form, copy private residential tenancy agreement showing a monthly rent of £555.00 and

rent statements showing rent arrears amounting to £2,646.51 as at 9 April 2020. The Application sought interest on the sum due.

2. On 4 May 2020, a legal member of the Chamber with delegated powers of the Chamber President accepted the Application and a Case Management Discussion (“CMD”) was fixed for 14 August 2020 at 10.00 by telephone conference call. The Application was intimated to the Respondent. The CMD was intimated to both Parties.
3. By email dated 29 July 2020, the Applicant’s Agent intimated to the Tribunal and the Respondent that the rent due and owing had increased to £4,846.51 and amended the Application to this extent.
4. The CMD took place on 14 August 2020 at 10.00. The Applicant did not take part and was represented by Ms. Kirsty Donnelly of the Applicant’s Agents. The Respondent did not take part.

Summary of Discussion

5. The Tribunal advised the Parties that it had read and was familiar with all of the background papers. The Tribunal asked the Applicant’s Agent to confirm the order sought. The Applicant’s Agent confirmed that an open order for payment with interest is sought for rent amounting to £4,846.51

Findings of the Tribunal.

6. From the Application and the CMD, the Tribunal found the following facts to be established: -
 - i) There is a private residential tenancy agreement between the Parties;
 - ii) The monthly rent is £555.00;
 - iii) Rent arrears amounting to £4,846.51 are due and owing by the Respondent to the Applicant

Decision of the Tribunal and Reasons for the Decision.

7. Having found the sum sought is due and owing , the Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal “may do anything at a case management discussionincluding making a decision” and so proceeded to make an order for payment with interest as requested.

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.



14/08/20

Legal Member/Chair

Date