



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 14 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/22/4374

Re: Property at Flat 1 5 Colquhoun Square, Helensburgh, G84 8AD (“the Property”)

Parties:

Mr Joe Callaghan, 68 James Street, Helensburgh, G84 9LF (“the Applicant”)

Mr Norrie Muir, Flat 1 5 Colquhoun Square, Helensburgh, G84 8AD (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Gerard Darroch (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 Respondent in the sum of £8,093.00.

Background

The Applicant seeks a Payment Order for rent arrears said to have been accrued by the Respondent under a tenancy agreement between the parties. The Application is accompanied by a copy of the tenancy agreement and evidence of the rent arrears.

The Case Management Discussion

The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 9 May 2023. The Applicant was present together with his solicitor, Mr Doull of Brunton Miller. The Respondent was also personally present. Neither party had any

preliminary matters to raise. The Respondent confirmed that he understood the Application and that he was content for the Tribunal to proceed.

The Respondent acknowledged that he had currently accrued rent arrears in the sum of £8,093.00. He did not oppose the Application. Having heard from parties, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The parties entered into a tenancy agreement whereby the Applicant let the Property to the Respondent on an Assured Tenancy. Parties had likely intended for the agreement to be a short-assured tenancy agreement but the initial term was for less than six months and so the tenancy must be considered to be an assured tenancy;*
- II. *The contractual monthly rent was £440.00;*
- III. *The Respondent fell into rent arrears;*
- IV. *As at today's date, the Respondent owes the Applicant the sum of £8,093.00 as arrears of rent which remain unpaid.*

Reasons for 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 Respondent in the sum of £8,093.00.

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

9 May 2023

Date