



Decision on Case Management Discussion of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ('The Procedure Rules) in relation to an application for civil proceedings relative to a Private Residential Tenancy under Rule 111 of the Procedure Rules.

Chamber Ref: FTS/HPC/CV/19/3580

Re: 82 Craufurdland Road, Kilmarnock, KA3 2HX ("the Property")

Parties:

Easton Property Ayrshire Ltd, 2 Newfield Drive, Dundonald, KA2 9EW ("the Applicant")

Miss Amy Rose Farrell, 2 Newfield Drive, Dundonald, KA2 9EW ('The Applicant's Representative')

Kyle Clark, 82 Craufurdland Road, Kilmarnock, KA3 2HX ("the Respondent")

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal")

Tribunal Member: Jacqui Taylor (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an order for payment would be issued requiring the Respondent to pay the Applicant the sum of £1740.00

Background

- 1. The Applicant submitted an application to the Tribunal for payment of arrears of rent in the sum of £1740 being the sum outstanding as at 5th November 2019.**
- 2. Documents lodged with the Tribunal.**
 - The Tenancy Agreement dated 10th October 2018.**

- A rent statement for the period 10th October 2018 to November 2019 which showed the outstanding rent at 5th November 2019 to be £1740.
- Notice to Leave dated 13th September 2019 advising the Tenant that an application will not be submitted to the Tribunal for an eviction before 14th October 2019.
- A copy of the email to the Tenant dated 13th September 2019 attaching the Notice to Leave.
- Section 11 Notice addressed to East Ayrshire Council.

3. Case Management Discussion

This case called for a Case management Discussion (CMD) at 14.00 on 14th January 2020 at the North West Area Centre, Western Road, Kilmarnock, KA3 1NQ.

The Applicant did not attend the CMD but their representative Amy Rose Farrell, property manager with Easton Ayrshire ltd, attended on their behalf.

The Respondent did not attend in the CMD. The Respondent had been served with notice of the CMD by James S Orr, Sheriff Officer on 11th December 2019.

No written responses had been received from the Respondent.

4. The Tribunal identified with the applicants' representative the following agreed facts:

4.1. The Respondent is Tenant of the Property in terms of the lease between the parties. The start date of the Tenancy was 10th October 2018.

4.2. The lease is a Private Residential Tenancy in terms of the Private Housing Tenancies (Scotland) Act 2016 ('The 2016 Act').

4.3. The Applicant is Landlord of the Property. The Tribunal had a copy of the Applicants' title deeds being Land Certificate AYR33332. Section B of the Land Certificate confirmed that the Applicant purchased the Property on 30th March 2016.

4.4 The rent due in terms of the tenancy was £435 per month.

4.5 The Tenant had not paid a deposit.

4.6 The outstanding rent as at 5th November 2019 amounted to £1740.

5. Oral Evidence

Amy Rose Farrell advised the Tribunal that as far as she was aware the Tenant still resided in the Property. They had only received one further payment to the rent and that was a payment from DWP of £272.40. They had submitted form UC47 to DWP in November 2019. They had sent DWP a copy of the rent arrears application together with the UC47 application. Usually they would receive any further payments that were due the following month. No further payments had been received. No

further response or correspondence had been received from DWP. Consequently she is of the view that no further DWP payments are due. The current arrears as at 14th January 2020 amount to £2772.60. She confirmed that the Applicants and not seeking to increase the sum claimed.

6. Requirements of Section 111 of the Procedure Rules.

6.1 In connection with the requirements of section 111 that the application correctly detailed the requirements of section 111(i), (ii) and (iii) of the Procedure Rules namely:-

- (i) the name and address of the Applicants.
- (ii) the name and address of the Respondents.
- (iii) the reason for making the application.

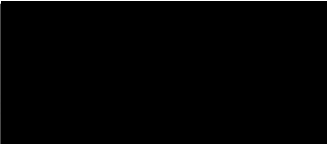
6.2 The application had been accompanied by the documents specified in **Section 111(b)(i) and (ii) and (iii)** of the Procedure Rules being a copy of the lease and the statement of rent arrears.

7. Decision

The Tribunal accepted as correct the evidence of the rent statement produced which showed the outstanding rent as at 5th November 2019 to be £1740 and the oral statement of Amy Rose Farrell to the effect that this amount is still outstanding.

8. 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

14th January 2020