



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014**

**Chamber Ref: FTS/HPC/CV/21/1220**

**Re: Property at 60 Hillfoot Road, Airdrie, North Lanarkshire, ML6 9PW (“the Property”)**

**Parties:**

**Ms Catalina Anton, unknown, unknown (“the Applicant”)**

**Miss Stacey Clark, Mr Alister Maceachen, 58 Bankhead Avenue, Airdrie, ML6 8JG; 58 Bankhead Avenue, Airdrie, ML6 8JG (“the Respondents”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order for payment against the Respondents in favour of the Applicant in the sum of £665.00.**

**[1] Background**

The Applicant submitted an application seeking an order for payment from the Respondents arising from their occupation of the property. The sum sought was for rent arrears said to have been incurred by the Respondents, together with the cost of a replacement lock and council tax arrears. The Tribunal intimated the application to the parties by letter of 13 August 2021 and advised them of the date, time and conference call details of today’s case management discussion. 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 Respondents lodged written representations on 3 September 2021.

### **The case management discussion**

[2] The Applicant's representative, Miss Lloyd, and the Respondents participated in the case management discussion which took place by conference call. The Tribunal observed that the Respondents' written representations set out an acceptance by them that arrears of rent were due for October and November 2019 and that they were liable to pay for the replacement lock, which cost £140. The Respondents accepted that they were due to pay for these two heads of claim, subject to the deposit of £725 which had already been recovered by the Applicant. The Applicant's representative conceded that no council tax arrears were due by the Respondents and accepted that there was no rent due by them for December 2019, on the basis that the Respondents vacated the property on 14 December 2019. Following this discussion, the parties advised the Tribunal that they were agreed that the Respondents owed the Applicant the sum of £665, comprising rent for October and November (£1,250), the cost of a replacement lock (£140), minus the deposit of £725. The Applicant's representative advised that the Applicant is prepared to consider receiving payment by instalments, but observed that there is no time to pay application before the Tribunal and therefore could not reasonably comment on the Respondents' offer to pay at the rate of £55.42 per month. The Tribunal was unable to consider the issue of payment by instalments in the absence of a time to pay application.

### **[3] Findings in Fact**

- i. The parties entered into a Private Residential Tenancy Agreement which commenced 18 June 2019.
- ii. The rent payable was £625 per month, payable in advance.
- iii. At the conclusion of the tenancy, the Respondents had incurred rent arrears amounting to £1,250.
- iv. The Applicant incurred an outlay of £140 for a replacement lock to the property.
- v. The Applicant has already recovered the Respondents' deposit of £725 which was applied to the sums due by the Respondents.

### **[4] Reason for Decision**

The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. There was an agreement between the parties that the sum of £665 was due by the Respondents to the Applicant. The Tribunal was satisfied that the Respondents

are liable to pay rent arrears and the cost of a replacement lock and therefore granted the order for payment.

### **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.**

Nicola Irvine

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**Legal Member/Chair**

**16 September 2021**  
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**Date**