



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/EV/23/0208

Property : 6D Fleming Road, Cumbernauld G67 1LQ (“Property”)

Parties:

Jacqueline Patience and Simon Patience, 6 Kirkwood Avenue, Glasgow G33 6GD (“Applicant”)

Robert Bambrick and Moira Neil, 6D Fleming Road, Cumbernauld G67 1LQ (“Respondent”)

**Tribunal Members:
Joan Devine (Legal Member)**

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for payment of £3100 should be made.

Background

The Applicant sought an order for payment of £3100 in respect of rent arrears. The Applicant had lodged Form F. The documents produced were: a Tenancy Agreement dated 6 May 2022; a rent statement; email from Jacqueline Patience stating that Simon Patience was authorised to act on her behalf and sheriff officer certificate of service of the Application on 22 March 2023.

By email dated 20 April 2023 the Applicant lodged a rent statement showing arrears of £4750.

Case Management Discussion

A case management discussion took place before the Tribunal on 26 April 2023 by teleconference. The Second Applicant was in attendance. There was no appearance by the Respondent. The Applicant told the Tribunal that as far as he was aware the Respondent continued to reside in the Property. He said that a notice to leave had been served and an application for eviction would be made. The Tribunal asked if the

request to increase the sum claimed had been intimated to the Respondent. The Applicant said he did not know whether his letting agent had done that. The Tribunal said that in the absence of evidence that the request to amend the sum claimed had been intimated to the Respondent, the Tribunal could not allow the sum claimed to be amended. The Applicant said he was content to proceed in respect of the sum claimed in the Application.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a Tenancy Agreement dated 8 September 2018 ("Tenancy Agreement").
2. In terms of the Tenancy Agreement the rent was £550 per month.
3. The Respondent had failed to pay the rent for the period 11 August 2022 to 11 January 2023. The unpaid amount was £3100.
4. Notice of the date of the case management discussion had been given to the Respondent on 22 March 2023.

Reasons for the Decision

The Tribunal determined to make an Order for payment. In terms of the tenancy agreement rent was due at the rate of £550 per month. The Respondent had failed to pay the rent for the period 11 August 2022 to 11 January 2023 totalling £3100.

Decision

The Tribunal grants an order for payment of £3100.

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.



**Joan Devine
Legal Member**

Date : 26 April 2023