



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 (“the 2014 Act”) and Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Rules”)

Chamber Ref: CV/23/3639

Re: Property at 9F Ballantine Place, Perth, PH1 5RR (“the Property”)

Parties:

Mr Scott Jempson, 8 Oakdene Crescent, Scone, Perth, PH2 6PG (“the Applicant”)

Mr Stewart Lawrie, 9F Ballantine Place, Perth PH1 5RR (“the Respondent”)

Tribunal Members:

Ms Susanne Tanner KC (Legal Member) and Ms Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) determined that the Respondent should pay to the Applicant the sum of FOUR THOUSAND SEVEN HUNDRED AND EIGHTY POUNDS (£4780.00) STERLING; and made an Order for Payment in respect of the said sums.

The decision of the tribunal was unanimous.

Statement of Reasons

1. On 9 October 2023, the Applicant made an Application seeking payment of rent arrears from the Respondent.

2. On 8 November 2023, the tribunal requested further information and clarification about the sum claimed, which was produced by the Applicant. On 10 November 2023, the Applicant submitted an amended Application to seek the sum of £4780.00 for rent arrears in the period to 1 November 2023. Supporting evidence for the Application was produced.
3. The tribunal obtained the title sheet for the Property which shows that the Applicant has been the registered proprietor since 15 January 2007.
4. The Application was accepted for determination on 1 December 2023.
5. The Respondent received notification of the Application and was invited to submit written representations if he wished.
6. Both parties were notified that a Case Management Discussion (CMD) would take place on 12 April 2024 by teleconference
7. No written representations were submitted by the Respondent in advance of the CMD.
8. A Case Management Discussion (CMD) took place on 12 April 2024. A CMD in a related eviction application involving the same parties (EV/23/3630) also took place on the same day.
9. The Applicant attended both CMDs.
10. The Respondent did not attend the CMDs. He made no contact with the tribunal after service of the Application paperwork in each case and did not state any defence to the civil Application.
11. The tribunal decided to proceed with the civil Application in the absence of the Respondent. The tribunal was satisfied that the requirements of rule 24(1) of the 2017 Rules regarding the giving of notice of a CMD had been duly complied

with and proceeded with the Application upon the representations of the party present and all the material before it.

12. The tribunal heard from the Applicant in relation to the Application.

13. The Applicant stated that he was seeking a payment order against the Respondent for £4780.00 in respect of rent arrears to 1 November 2023.

14. The Applicant referred to the private residential tenancy agreement dated 4 September 2019 and the updated rent statement for the period 1 September 2019 to 1 December 2023. Rent was payable by the Respondent to the Applicant at the rate of £460.00 per calendar month in advance, from the start of the tenancy until 30 September 2020. It was reduced to £400 from 1 October 2020 to assist the Respondent. It was increased to £460 from 1 November 2022 and has remained at that rate to date.

15. The Applicant stated that the rent due on 1 December 2023 was not paid. On 22 December 2023 the respondent paid £500 rent and the Applicant took it as payment for 1 December 2023 and credited the £40 to the account for the rent due on 1 January 2024. The Respondent has not made any payments since then. The Applicant did not apply any part of the payment on 22 December 2023 to the rent arrears to 1 November 2023 and they remain as £4780.00.

16. The Respondent did not provide any defence to the Application.

Findings-in-Fact

17. The Applicant is the registered proprietor of the Property.

18. In terms of a Private Residential Tenancy agreement between the parties in respect of the Property, the start date of the tenancy was 4 September 2019.

19. Rent was payable by the Respondent to the Applicant at the rate of £460.00 per calendar month in advance, from the start of the tenancy until 1 October 2020. It was reduced to £400 from 1 October 2020. It was increased to £460 from 1 November 2022 and remains at that rate to date.

20. The rent arrears which accrued until 1 November 2023 amounted to £4780.00.

21. On 22 December 2023 the respondent paid £500.00 which was taken as a payment for 1 December 2023 and £40.00 was credited to the account. The Applicant did not apply any part of the payment on 22 December 2023 to the rent arrears to 1 November 2023 and they remain as £4780.00.

22. The Respondent has not made any rent payments since 22 December 2023.

Discussion

23. As the tribunal was satisfied that the Respondent owes £4780.00 to the Respondent by way of rent arrears from the period to 1 November 2023, the tribunal made an Order for Payment of that sum in respect of the said period.

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.

Susanne Tanner

12 April 2024

Legal Member/Chair