



**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/22/2866**

**Re: Property at 24 Argyll Place, Alloa, FK10 3RJ (“the Property”)**

**Parties:**

**Mr Alistair Turner, 51 Mariner Road, Camelon, Falkirk, FK1 4LE (“the Applicant”)**

**Mr Rylee Binns or Thomson, 24 Argyll Place, Alloa, FK10 3RJ (“the  
Respondent”)**

**Tribunal Members:**

**Alison Kelly (Legal Member) and Sandra Brydon (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that the order for payment should be granted.**

**Background**

The Applicant lodged an application on 12<sup>th</sup> August 2022 under Rule 111 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) seeking payment of a sum of rent arrears.

Lodged with the Application were:

1. Copy Tenancy Agreement commencing 7<sup>th</sup> September 2020
2. Rent Statement

The Application was served on the Respondent by Sheriff Officer on 3<sup>rd</sup> November 2022.

## **Case Management Discussion**

The Case Management Discussion (“CMD”) took place by teleconference. The Applicant was represented by Miss MacDonough of Jardine, Donaldson, Solicitors. The Respondent represented himself.

The Chairperson explained the purposes of a CMD in terms of Rule 17 of the Rules.

Miss MacDonough moved for a payment order for the arrears at the date of the CMD. However, she had not lodged an application to amend, and the Tribunal were not prepared to consider it. She then moved for a payment order in the amount of £2400, being the amount sought in the application.

The Respondent said that he could not oppose the order being granted as the sum was due.

Miss MacDonough sought interest on the sum outstanding. However, the tribunal were not prepared to grant this as there was nothing in the tenancy Agreement allowing it.

## **Findings in Fact**

1. The parties entered in to a tenancy agreement for rent of the property;
2. The monthly rent was £375;
3. At the date of the application rent arrears owed were £2400.

## **Reasons for Decision**

At the date of the application rent arrears owed were £2400.

## **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.**

**Alison Kelly**

**01/12/2022**

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**Legal Member/Chair**

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**Date**