



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 70 of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/23/3187

Re: Property at 4 Castle Court, Menstrie, FK11 7AH (“the Property”)

Parties:

Mrs Isobel/Anita Dermidy-Muirhead, Cherrywood, Keir Street, Dunblane, FK15 9BP (“the Applicant”)

Mr Ian Ryan, 4 Castle Court, Menstrie, FK11 7AH (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member) and Helen Barclay (Ordinary Member)

Decision (in absence of the Respondent)

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

Background

1. The Applicant lodged an application on 8th September 2023 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.
2. Lodged with the Application were:
 - i. Copy Tenancy Agreement commencing 28th March 2019 with a rent of £500 per month;
 - ii. Rent Statement
3. The Application was served on the Respondent by Sheriff Officer on 21st November 2023.

Case Management Discussion

4. The Case Management Discussion (“CMD”) took place by teleconference. The Applicant was represented by Mr Cullens of Jardine Donaldson, Solicitors. The Respondent did not attend and was not represented.
5. The Chairperson confirmed the purposes of a CMD in terms of Rule 17 of the Rules.
6. Mr Cullens asked that an order be granted for payment in the amount of £19900, being the current arrears. The Tribunal were not prepared to grant that order as no application had been made under Rule 14A to amend the sum sought, but were prepared to grant an order for payment of the sum of £17,900, being the sum shown on the rent statement as outstanding as at August 2023, and being the sum included in the application.

Findings in Fact

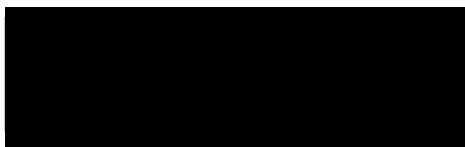
1. The parties entered in to a tenancy agreement for rent of the property;
2. The monthly rent was £500;
3. In August 2023 the rent arrears owed were £17,900.

Reasons for Decision

7. The Respondent owes rent to the Applicants as at August 2023 in the amount of £17,900.

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/Chair

15th January 2024

Date