



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/23/3266

Re: Property at 545 West Whins, The Park, Findhorn, Morayshire, IV36 3SH (“the Property”)

Parties:

Ms Alexandra Angus, 310, 2365 West 1st Avenue, Vancouver, BC, V6K 1G4, Canada (“the Applicant”)

Miss Patricia Fenton, 545 West Whins, The Park, Findhorn, Morayshire, UK, IV36 3SH (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Sandra Brydon (Ordinary Member)

Decision (in absence of the Respondent)

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made a Payment Order in favour of the Applicant against the Respondent in the sum of £3,912.20. The Tribunal also ordered interest to run on that sum at the rate of eight per cent per year from today’s date until payment.

Background

[2] The Applicant seeks a Payment Order for rent arrears allegedly accrued by the Respondent under a tenancy between the parties. The sum of £3,912.20 is claimed.

The Hearing

[3] The Application called for a Case Management Discussion by conference call at 2 PM on 13 March 2024. The Applicant was personally present. There was no appearance either by or on behalf of the Respondent. On the basis that the Application and information about how to join the conference call had been competently served on the respondent by Sheriff Officers, the Tribunal decided to proceed in the absence of the Respondent. The Tribunal discussed all aspects of the Application with the Applicant. Having done so, the Tribunal made the following findings in fact.

- I. *The parties entered into a tenancy agreement whereby the Applicant let the Property to the Respondent by virtue of a Private Residential Tenancy Agreement.*
- II. *The contractual monthly rent was £740.00.*
- III. *The Respondent fell into rent arrears.*
- IV. *The Respondent's rent arrears are currently in the sum of £3,912.20.*

Decision

[4] Having made the above findings in fact, The Tribunal granted the Application and made a Payment Order in favour of the Applicant against the Respondent in the sum of £3,912.20. The Tribunal also ordered interest to run on that sum at the rate of eight per cent per year from today's date until 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.

Legal Member/Chair

13 March 2023
Date