

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

**Chamber Ref: FTS/HPC/CV/22/1493**

**Re: Property at 4 Galt Avenue, Irvine, Ayrshire, KA12 0NJ (“the Property”)**

**Parties:**

**Mrs Gabriele McCallum, 229 Bank Street, Irvine, Ayrshire, KA12 0YB (“the Applicant”)**

**Miss Tracy Douglas, 4 Galt Avenue, Irvine, Ayrshire, KA12 0NJ (“the Respondent”)**

**Tribunal Members:**

**Susan Christie (Legal Member) and Leslie Forrest (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent for payment of £10084 to the Applicant.**

**Background**

1. The application for a payment order was accepted by the tribunal on 8 July 2022.
2. The tribunal paperwork was served on the Respondent personally by Sheriff Officer’s service on 8 August 2022.
3. No written representations were submitted by the Respondent.

**The Case Management Discussion- 21 September 2022**

4. A Case Management Discussion (CMD) took place on 21 September 2022 at 10am by conference call. Both Parties participated.
5. The Parties were given information about the purpose of the CMD. The paperwork submitted along with the Application was examined and discussed.
6. The Applicant is one of the registered owners of the Property and is the sole landlord.

7. A Private Residential Tenancy (PRT) was entered into between the Applicant and the Respondent on 14 June 2019, with the same start date.
8. The contractual rent is £440 per calendar month payable in advance on the 14<sup>th</sup> of the month.
9. The rent account statements produced were considered. The rent arrears as at the date of serving of a Notice to Leave was £7884. A further four months' rent was now due up to and including the monthly payment due on 14<sup>th</sup> September 2022. The rent arrears as at today are £10084.
10. The last payment made into the rent account of £250 was made on 14 April 2022. Demands for payment of the rent have been made.
11. The Applicant asked to increase the sum sought in the application for payment to £10084. The Respondent had no objection to the amendment to increase the sum sought.
12. The Respondent accepted the rent arrears stood at £10084 and had no opposition to an order being granted.

### **Findings in Fact**

- I. A Private Residential Tenancy (PRT) was entered into between the Applicant and the Respondent on 14 June 2019, with the same start date.
- II. The contractual rent is £440 per calendar month payable in advance on the 14<sup>th</sup> of the month, in terms of the PRT.
- III. The last payment to rent totalled £250, made on 14 April 2022.
- IV. No further payments have been received from the Respondent to address the monthly rent due or the arrears.
- V. The total arrears figure due today is £10084.
- VI. The Respondent is contractually bound to pay the rent to the Applicant in terms of the PRT.
- VII. The Tribunal is satisfied that a payment Order be granted in the sum of £10084.

### **Reasons for Decision**

13. The tribunal had regard to all that was said, and the rent statements produced were considered. A Private Residential Tenancy (PRT) was entered into between the Parties. The Respondent had undertaken to pay the stated contractual rent in advance on the 14<sup>th</sup> of the month. The Respondent had failed to address payment of the ongoing rent or arrears. Whilst benefit payments had been made by the DWP these had stopped in September 2021.
14. There appeared to be no real prospect of the ongoing rent being paid nor any contributions towards the arrears and no offer of payment by instalments was noted.
15. The tribunal noted that the Respondent accepted the rent arrears are due and the amended sum. An Order is granted. The decision is unanimous.

## 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.

Susan Christie

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Legal Member/Chair

21 September 2022  
Date