

Housing and Property Chamber
First-tier Tribunal for Scotland



**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/19/2716

Re: Property at 22E Fullarton Street, Kilmarnock, KA1 2QT (“the Property”)

Parties:

**Mr Douglas Johnston, Mrs Nicola Johnston, 18 Millers Vale, Wombourne,
Wolverhampton, WV5 8HR (“the Applicant”)**

**Miss Lorraine Murphy, 6 Midton Road, Kilmarnock, KA1 4QR (“the
Respondent”)**

Tribunal Members:

Alison Kelly (Legal 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 in the amount of £477.61
should be made.**

Background

On 29th August 2019 the Applicant’s Agent lodged an application under Rule 111 of
the Tribunal’s Procedural Rules, seeking an order for payment of rent arrears.

Lodged with the Application were:

1. Copy Private Residential Tenancy Agreement
2. Rent Statement

Case Management Discussion

The Applicant was represented by Mrs Weir and Miss Ross of Murphy Scoular Letting Agents. The Respondent did not appear, and was not represented.

Mrs Weir sought an order for payment in the amount of £477.61, in accordance with the Rent Ledger already produced. There had been no payments by the Respondent since the action was lodged. Mrs Weir confirmed that the Respondent had only paid £180 of the deposit, and that it had been returned through the tenancy deposit scheme in relation to cleaning and clearing the property. There was no sum returned in relation to rent.

Findings In Fact

1. The parties entered into a Tenancy Agreement in respect of the property;
2. The rent was £368.33 per month;
3. The rent arrears outstanding are £477.61.

Reasons For Decision

The rent arrears are £477.61.

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

18/11/19
Date