



**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/22/2970

Property: 8 Fintry Place, Irvine, North Ayrshire, KA11 1JB

Parties:

Peter Murphy, residing at 198 Hockley Road, Rayleigh, SS6 8ET (“the Applicant”)

Suzanne Kirkland, residing at 8 Fintry Place, Irvine, North Ayrshire, KA11 1JB (“the Respondent”)

**Tribunal Members:**

**Paul Doyle (Legal Member)**  
**Gerard Darroch (Ordinary Member)**

**Decision**

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

**Background**

The Applicant sought an order for payment of rental arrears totalling £3,125.22. The Applicant had lodged with the Tribunal Form F. The documents produced included a Short Assured Tenancy agreement, A notice to quit and form AT6 dated 13/05/2022, a s.11 Notice, and a schedule of unpaid rental. A copy title sheet was lodged with the Tribunal which showed that the applicant is the heritable proprietor of the Property.

**Case Management Discussion**

A case management discussion took place by telephone conference at 10.00am on 28 March 2023. The Applicants were represented by Ms G Matthew of Bannatyne, Kirkwood, France, solicitors. The respondent was represented by Mr A Meek of CHAP.

**Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a short assured tenancy agreement for the Property dated 30 July 2010. In terms of the tenancy agreement the respondent agreed to pay rental at the rate of £495.00 per month.
2. The respondent fell into arrears of rental in January 2022. Since then she has struggled to maintain prompt and regular payments of rental. At the date of application there were arrears of rent totalling £3,125.22. At today's date there are rent arrears totalling £6,146.22
3. On 13 May 2022 the applicants served a notice to leave and form AT6 on the respondent. On 22 August 2022 the applicant submitted this application to the tribunal.
4. The applicants ask to amend the sum claimed by increasing the sum applied for from £3,125.22 to £6,146.22 in terms of rule 14A of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. That application is unopposed.
5. The application is amended so that the sum applied for is £6,146.22
6. The monthly rent is £495.00. At the date of application there were more than 6 months arrears of rental. At today's date rental payments are more than 12 months in arrears.
7. The respondent offers no resistance to the application for a payment order
8. There is no suggestion that the respondent is in arrears of rent either wholly or partly as a consequence of a delay or failure in the payment of a relevant benefit.
9. For the foregoing reasons, the Tribunal determined to make an Order for payment. The Tribunal makes an order for payment of £6,146.22 together with interest at 4% per annum from 27 March 2023.

### **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.**

*Paul Doyle*

**Legal Member**

**27 March 2023**

