



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/20/1310

Re: Property at The Old Stable, Main Street, Kingskettle, Fife, KY15 7PN (“the Property”)

Parties:

Ms Juliet Amy Houston or Stewart, 19 Watergum Close, Sapphire Beach, New South Wales, Australia (“the Applicant”)

Mr John Barrett, Ms Debbie Anderson, The Old Stable, Main Street, KingsKettle, Fife, KY15 7PN; The Old Stable, Main Street, KingsKettle, Fife, KY15 7PN (“the Respondents”)

Tribunal Members:

Valerie Bremner (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a payment order in the sum of £6630 be made in favour of the Applicant and against the Respondents in respect of rent arrears lawfully due at the property.

Background

This is an Application for a payment order in terms of Rule 111 of the Tribunal Rules of Procedure. The application was lodged with the Tribunal on 15 June 2020 and was accepted on 24 June 2020. A case management discussion was set down for 21st August 2020.

Case Management Discussion

The Case Management Discussion was attended by Miss Waughman, solicitor of Thorntons Law LLP on behalf of the Applicant. There was no appearance by or on behalf of the two Respondents John Barrett and Debbie Anderson. Miss Waughman moved the Tribunal to proceed in their absence. The Tribunal had sight of an execution of service of the application and accompanying papers by Sheriff Officer and these had been put through the letterbox at the property on 3rd August 2020. The Tribunal considered that the requirements of notice to parties in terms of Rule 24 had been met and was prepared to proceed in the absence of the Respondents in terms of Rule 29 of the Tribunal Rules.

The Tribunal had sight of the Application, a Private Residential Tenancy Agreement, a rent statement, and an updated rent statement received on the day of the case management discussion.

Miss Waughman moved for a payment order and pointed to the rent statements produced. The tenancy agreement between the parties had started on 23rd November 2018 and rent for the property is £660 per month. As at the date of the Application rent arrears stood at £6630. This did not include late payment charges added to the rent statements. The Respondents had started to be in arrears of rent as far back as February 2019 and no rent had been paid since 5th August 2019. Miss Waughman advised the Tribunal that she had no information to suggest that the rent arrears had accrued due to a delay or failure in the payment of any relevant benefit to either or both of the Respondents.

The Tribunal was of the view that it had sufficient information to allow a decision to be made and that the procedure had been fair.

Findings in Fact

1. The parties entered into a private residential tenancy at the property with effect from 23rd November 2018.
2. The monthly rent agreed to be paid in advance on the first of each month after December 2018 was £660. Monthly rent in that sum which was due before 1st January 2019 was payable on specific dates set out in the tenancy agreement.
3. Arrears of rent started to build with effect from February 2019 and no rent has been paid since August 2019.
4. Rent arrears stand at £6630 as of 20th April 2020.
5. The arrears of rent are lawfully due by the Respondent to the Applicants.

Reasons for Decision

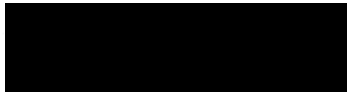
The Tribunal was satisfied that arrears of rent in the sum of £6630 are lawfully due by the Respondents to the Applicant and that it was reasonable to make a payment order in these circumstances.

Decision

The Tribunal makes a payment order in the sum of £6630 in favour of the Applicant and against the Respondents.

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.



21/08/2020

Valerie Bremner
Legal Member/Chair

Date