



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

Chamber Ref: FTS/HPC/CV/22/2718

Property : 168 Murray Terrace, Inverness IV2 7WZ (“Property”)

Parties:

Michael Gage and Valerie Gage, 1/11 Stadbroke Road, Boronia, Victoria – 3155, Australia (“Applicant”)

Tughan & Cochrane Ltd, Kintail House, Beechwood Business Park, Inverness IV2 3BW (“Applicant’s Representative”)

Robert Henley, c/o John Munro Ltd, Queensgate, Inverness IV1 1DJ and Alivia Ross, 51 Glenurquhart Road, Inverness IV3 5PB (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Janine Green (Ordinary Member)

Decision (in absence of the Respondent):

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for payment of £4,187.93 should be made.

Background

The Applicant sought an order for payment of £3345 in respect of arrears of rent. The Applicant lodged form F along with a private residential tenancy agreement dated 10 and 12 July 2020 and statement of rent arrears. The Tribunal had sight of a Sheriff Officer certificate of service evidencing service of the Application on the Respondent on 28 October 2022. A Case Management Discussion (“CMD”) was fixed for 21 November 2022. In advance of the CMD the Applicant’s Representative lodged an updated statement of rent arrears which they said had been intimated to the Respondent on 25 October 2022.

Case Management Discussion

A CMD took place before the Tribunal on 21 November 2022 by teleconference. Phil Cochrane of the Applicant’s Representative was in attendance. There was no appearance by the Respondent. The Tribunal noted that the updated statement of rent

arrears showed a balance due of £4,262.93 and that the rent charged from May to September 2022 was £565 per month. The Tribunal asked why the rent increased from £550. Mr Cochrane said that there would have been a rent increase notice issued. The Tribunal noted that no such notice had been lodged with the application. In those circumstances the Tribunal would not make a payment order for the increased amount.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a Private Residential Tenancy Agreement dated 10 and 12 July 2020 which commenced on 16 July 2020 ("Tenancy Agreement").
2. The rent due in terms of the Tenancy Agreement was £550 per month.
3. The Respondent had failed to pay the rent for the period 16 February 2022 to 16 September 2022. The unpaid amount was £4,187.93.

Reasons for the Decision

The Tribunal determined to make an Order for payment. In terms of the Tenancy Agreement rent was due at the rate of £550 per month. The Respondent had failed to pay the rent for the period 16 February 2022 to 16 September 2022.

Decision

The Tribunal grants an order for payment of £4,187.93.

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.

Joan Devine

Legal Member:

Date: 21 November 2022