



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

Chamber Ref: FTS/HPC/CV/23/2351

Property at 53 Kersehill Crescent, Falkirk, FK2 9GH (“the Property”)

Parties:

Miss Lynsey Higgins, 54 Polmont Park, Polmont, Falkirk, FK2 0XU (“the Applicant”)

Miss Suzanne McPhee, Mr Darren Tetsill, 53 Kersehill Crescent, Falkirk, FK2 9GH (“the Respondent”)

Tribunal Members:

Josephine Bonnar (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted against the Respondents in favour of the Applicant.

Background

- 1. The Applicant seeks an order for payment in relation to unpaid rent. Documents lodged in support of the application include a Tenancy Agreement and rent statement.**
- 2. A copy of the application and supporting documents were served on the Respondents by Sheriff Officer. Both parties were notified that a case management discussion (“CMD”) would take place by telephone conference call on 4 October 2023 at 10am, and they were required to participate.**

3. The CMD took place on 4 October 2023. The Applicant participated for part of the CMD and was represented by Mrs McAteer. The Respondents did not participate and did not contact the Tribunal prior to the CMD.

Case Management Discussion

4. The Tribunal noted that the rent statement lodged with the application only covers the period 1 January to 1 July 2023. Mrs McAteer told the Tribunal that there have been no payments of rent since then and that the arrears have now increased to £5600. The Legal Member of the Tribunal advised the parties that, as there had not been a request to amend the application with an updated rent statement, the Tribunal could only consider the application for a payment order for the sum specified in the application, being £3200. Ms Higgins told the Tribunal that she was seeking a payment order for that sum and would consider making a second application to recover the further arrears.
5. Mrs McAteer told the Tribunal that there have been efforts to contact the Respondents about the arrears. Mr Tetsill has not responded. Ms McPhee sent some emails in April and May 2023, which were lodged with the application. She stated that Mr Tetsill was not living there so her wage was the sole income. On another occasion, she said that she was off sick. However, as a Council employee, she is paid when she is off. Two attempts to arrange direct payments from universal credit have been unsuccessful, although it is not known whether this was because the Respondents were not in receipt of the benefit or if there was another reason.

Findings in Fact

6. The Applicant is the owner and Landlord of the property.
7. The Respondents are the tenant of the property in terms of a private residential tenancy agreement.
8. The Respondents are due to pay rent at the rate of £800 per month.
9. The Respondents failed to pay the rent charge for the months of April, May, June and July 2023 and owe the sum of £3200 in unpaid rent to the Applicant.

Reasons for Decision

10. The application to the Tribunal was submitted with a copy of the tenancy agreement and a rent statement for the period 1 March 2022 to 1 July 2023. According to the statement, the rent was paid in full until 1 March 2023. From

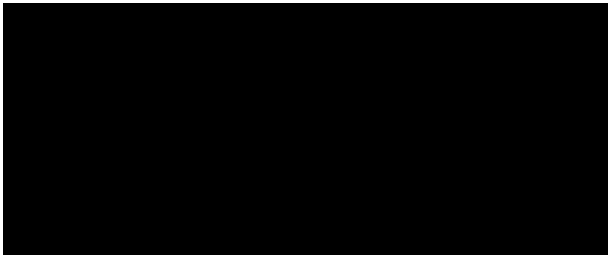
the documents lodged with the application, and the information provided at the CMD, the Tribunal is satisfied that the Respondents owe the sum of £3200 in unpaid rent for the period up to and including 1 July 2023 and that the Applicant is entitled to an order for payment for this sum.

Decision

- 11.** The Tribunal determines that an order for payment should be granted 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.



4 October 2023