



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 70(1) of the Private Housing
Tenancies (Scotland) Act 2016**

Chamber Ref: FTS/HPC/CV/19/1050

Re: Property at 53 Polepark Road, Dundee, DD1 5QT (“the Property”)

Parties:

I & R Property Solutions, 300-302, Strathmore Avenue, Dundee, DD3 6RS (“the Applicant”)

Mr Mark Tait, 53 Polepark Road, Dundee, DD1 5QT (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment in the sum of Five thousand one hundred and sixty three pounds (£5163) against the Respondent

Background

- 1** By application dated 2nd April 2019 the Applicant sought an order for payment against the Respondent for rent arrears in the sum of £3813.20.
- 2** In support of the application the Applicant provided copy Lease between the parties and Rent Statement.
- 3** By Notice of Acceptance of Application dated 23 July 2019 the Legal Member with delegated powers of the Chamber President intimated that there were no grounds for acceptance of the application. A Case Management Discussion was assigned for 9th September 2019.
- 4** The application paperwork with notification of the Case Management Discussion was served on the Respondent by Sheriff Officer on 2nd August 2019.

- 5 The Applicant subsequently intimated that the arrears of rent had increased to the sum of £5163.

The Case Management Discussion

- 6 The Case Management Discussion took place on 9th September 2019. Mr Alec Campbell appeared on behalf of the Applicant. The Respondent did not attend.
- 7 The Legal Member agreed to increase the sum sought to £5163. Mr Campbell advised that a further three months rent in the sum of £1350 had since accrued however he conceded that this had not been intimated on the Respondent. The Legal Member therefore advised that she would be limited to considering the sum of £5163 at the Case Management Discussion. Mr Campbell agreed that he wished the application to be determined and was not therefore seeking any adjournment. He sought an order for payment in the sum of £5163.

Reasons for Decision

- 8 The Legal Member was satisfied that she was able to make a decision at the Case Management Discussion and that to do so would not be contrary to the interests of the parties. The Respondent had received proper notification of the application and Case Management Discussion.
- 9 The Legal Member accepted based on the application paperwork that the Respondent had leased the property in terms of the written tenancy agreement produced by the Applicant dated 1st August 2017. In terms of the said tenancy agreement the Respondent was contractually obliged to pay rent of £450 per month.
- 10 The Legal Member further accepted that the Respondent was in breach of his obligations under the tenancy agreement in that he had failed to make payment of rent since 1st August 2018 and as a result rent arrears of £5163 had accrued.
- 11 Accordingly based on the above findings the Legal Member determined to make an order for payment in the sum of £5163 against the Respondent being rent lawfully due by him under the terms of the contract between the parties.

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.

R.O _____
ir

9/9/19 _____
Date