



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/21/2980

Re: Property at Flat 5 Byzantium Apartments, 15, Hawkhill, Dundee DD1 5DK (“the property”)

Parties:

Mr Arshad Okhai, c/o Martin & Co, 33 Albert Square, Dundee DD1 1DJ, per Mr Alec Campbell, Solicitor, Campbell Boath, Bank House, Stirling Street, Dundee DD1 1DJ (“the Applicant”)

Mr Steven Abbot, formerly residing at the property and now at 20b, Hepburn Street, Dundee DD3 8BQ and Mr Andrew Silvester, formerly residing at the property and now at Smiddy Croft, Newbigging Road, Tealing, by Dundee DD4 0QX (“the Respondents”)

Tribunal Member:

David Preston (Legal Member)

The tribunal determined that the respondents will pay to the applicant the sum of SIX THOUSAND EIGHT HUNDRED AND NINETY THREE POUNDS (£6893).

Background:

1. By application dated 10 December 2021 the applicant applied to the Tribunal under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”) for an order for payment in respect of arrears of rent.
2. The application was accompanied by: the Private Residential Tenancy Agreement dated 14 May 2021; and Rent Statement. The applicant’s representative advised by letter dated 21 February 2022 that the tenancy had been terminated by mutual agreement on 31 January 2022 and enclosed a Notice of Termination signed by all parties.
3. In addition, an Agreement signed by both respondents was also enclosed and which confirmed their acceptance of responsibility for the balance of rent arrears

amounting at that time to £4000 after deduction of the deposit of £800 which had been recovered by the applicant. They also accepted responsibility for the cost of damages to the property, comprising: patio doors and balcony glass; internal damages to the property; and replacement of keys and fobs for the property totalling £3493.

4. On 29 March 2022 before the CMD commenced, the applicant's agents submitted an up-to-date Rent Statement showing that the respondents had paid a total of £600 towards the sum sought leaving a total balance of rent arrears due as at the date of the CMD of £3400.
5. Mr Campbell accordingly sought an Order for Payment in the sum of £6493, responsibility for which had been accepted by the respondents.

Reasons for Decision:

6. Rule 17 of the Regulations states that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision. The tribunal decided that, on the basis of the information presented to it, it was able to determine the application at the CMD.
7. The tribunal accepted the information in the file and as provided by Mr Campbell and determined to issue the order for payment as requested.

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.

David Preston

29 March 2022