



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

**Chamber Ref: FTS/HPC/CV/20/2115**

**Re: Property at 18 Dunmore Street, Dundee, DD3 0EQ (“the Property”)**

**Parties:**

**Mr Sandy Singers, 7 Grampian Gardens, Arbroath, DD11 2DZ (“the Applicant”)**

**Jade Stewart, Miss Emma Davis, 18 Dunmore Street, Dundee, DD3 0EQ (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member)**

**Decision (in absence of the Respondents)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an Order for the amount of £7133.85 (SEVEN THOUSAND, ONE HUNDRED AND THRITY THREE POUNDS AND EIGHTY FIVE PENCE).**

1. An application was received by the Housing and Property Chamber. It was dated 17<sup>th</sup> September 2020 submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments.
2. On 4<sup>th</sup> February 2020, all parties were written to with the date for the Case Management Discussion (“CMD”) of 10<sup>th</sup> March 2020 at 11.30am by teleconferencing. The letter also requested all written representations be submitted by 25<sup>th</sup> February 2021.

3. On 5<sup>th</sup> February 2021, sheriff officers served the letter with notice of the hearing date and documentation the Respondent personally upon Miss Emma Davis and with the Miss Davis for Miss Stewart. This was evidenced by Certificate of Citation dated 5<sup>th</sup> February 2021.

#### The Case Management Discussion

4. A CMD was held on 10<sup>th</sup> March 2021 at 11.30pm by teleconferencing. The Applicant was represented by Mrs Fiona Wakem from Wardhaugh Property The Respondents were not present. The Tribunal did not start until 11.57am. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondents did not make representations in advance of the hearing.
5. Mrs Wakem informed the Tribunal that the arrears have reduced slightly from the amount detailed in the application of £7457.39 to £7133.85. This is due to some payments being made. A payment of £24 was made in September 2020. Miss Davis paid £250 on 11<sup>th</sup> November 2020. Universal Credit are now paying £300 per month to the rent charge and £40.99 to the arrears. This leaves a short fall in the rent of £250 per month. £300 was last paid by Universal Credit on 10<sup>th</sup> February 2021 and £40.99 was last paid by Universal Credit on 22<sup>nd</sup> February 2021. Mrs Wakem believes there to be no outstanding Universal Credit issues.
6. There has been no contact from the Respondents since October 2019. Mrs Wakem advised that her company, on behalf of the Applicant, had tried numerous times to contact the Respondents without success. This was done by email, text and letter.
7. Mrs Wakem is not sure which who is still remaining in the Property. She believes that there are still two children residing in the Property who are under 10 years old. Mrs Wakem advised that an order for eviction has been granted. An eviction date was set for 12<sup>th</sup> November 2021 but was not able to be undertaken due to the change to the Covid-19 restrictions on 11<sup>th</sup> November 2020.

#### Findings and reason for decision

8. A Private Rented Tenancy Agreement commenced 29<sup>th</sup> March 2019.
9. The Respondent persistently failed to pay her rent charge of £550 per month. The rent payments are due to be paid on first day of each month.
10. Universal Credit are now paying £300 per month to the rent and £40. 99 towards the arrears. There are no outstanding Universal Credit Housing Element or Housing Benefit issues.
11. The arrears sought totalled £7133.85. It is less than the sum sought in the application.

Decision

12. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £7133.85

**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.**

Gabrielle Miller

10<sup>th</sup> March 2021

\_\_\_\_\_  
Legal Member/Chair

\_\_\_\_\_  
Date

