

# Housing and Property Chamber

## First-tier Tribunal for Scotland

---



### **Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref:** FTS/HPC/CV/21/1136

**Property Address:** 3-5 Commerce Street, Flat 6, Arbroath DD1 1NA (“the property”)

**The Parties:** Sunnyside Homes Ltd, 15 Glamis Crescent, Inchtute, Perth PH14 9QU (“the applicant”)

Ms Leanne Livingstone-Horner, 35 Cairnie Crescent, Arbroath, Angus DD11 4DZ (“the respondent”)

### **Tribunal Member:**

Mr Mark Thorley (Legal)

### **Background**

1. The applicant applied to the First-tier Tribunal for Scotland under rule 111 of the Tribunal Rules. The application was dated 1 May 2021.
2. Accompanying the application was a copy of the Lease between the parties dated 12 April 2018, a copy of the Rental Statement and subsequently a Trace Report in relation to the respondent.
3. The tribunal accepted the application on 31 August 2021. Intimation of the application was sent to the respondent on 10 September 2021 and a copy delivered by sheriff officer on 13 September 2021.
4. There has been no written response to the application.
5. A case management hearing was convened for 13 October 2021 at 14:00 hours.

### **Case Management Discussion**

6. The applicant was represented by Ms Hazel Young from Rockford Properties, 50 Castle Street, Dundee.

7. There was no attendance by or on behalf of the respondent.

### **Findings in Fact**

8. The applicant and respondent entered into a Tenancy Agreement on 12 April 2018 for the applicant to rent the property at 3-5 Commerce Street, Flat 6, Arbroath DD1 1NB.
9. Rent was payable at the rate of £550 per calendar month payable monthly and in advance from 11 April 2018.
10. The tenancy was terminated with effect from 18 December 2018.
11. As at 18 December 2018 rent was outstanding in the sum of £3,374.65. Credits were applied to the outstanding rent in the sum of £625 but there remains an outstanding balance in the sum of £2,749.65.

### **Reasons for decision**

12. The tribunal had before it the documentation provided by the applicant. This disclosed a Rent Statement together also with a Lease. The tenancy was relatively short lived namely from 11 April 2018 to 18 December 2018. Rent was intermittently received. At the time the tenancy came to an end the outstanding sum of rent was £3,374.65. Credits were then applied to the account in the sum of £625. The applicant through her representative spoke to the amount outstanding which remained outstanding despite requests for repayment.
13. The tribunal accepted the written evidence and the oral evidence that had been provided. There was no contradictor. The respondent had not provided any written submissions nor indeed had the respondent attended at the case management hearing.

### **Decision**

14. An order was granted for the sum of £2,749.65.

**NOTE: This document is not confidential and will be made available to other First-tier Tribunal for Scotland (Housing and Property Chamber) staff, as well as issued to tribunal members in relation to any future proceedings on unresolved issues.**

**Signed:**

**Date: 13<sup>th</sup> September 2021**

**Chairman: Mark Thorley**