



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

**Chamber Ref: FTS/HPC/CV/21/2297**

**Re: Property at 28 Kingsway Terrace, Dundee, DD3 8JU (“the Property”)**

**Parties:**

**Mr Martin Forbes, 9 Kinmonth Road, Drumlithie, Stonehaven, AB39 3YF (“the Applicant”)**

**Mr Christopher Defranco, Ms Olivia-Ann Ferguson, 28 Kingsway Terrace, Dundee, DD3 8JU (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Frances Wood (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that:**

**Background**

The Applicant seeks a Payment Order for unpaid rent arrears said to have been accrued by the Respondents under a tenancy at the Property. The Application seeks the sum of £3,061.92 but an updated rent statement lodged suggests that the arrears are currently £1,810.05.

## **The Case Management Discussion**

The Application called for a Case Management Discussion by conference call at 10 am on 29 November 2021. The Applicant was represented by Ms Nicola Caldwell of TC Young Solicitors. The Respondents were represented by Ms Kate Menzies of Dundee Law Centre. The Application called alongside a related Application in respect of an Eviction Order.

Ms Menzies confirmed that the Respondents wished the Tribunal to make the Eviction Order in the other related Application as it would assist in allowing them to obtain alternative accommodation. Universal Credit and Discretionary Housing Payment payments were now being paid directly to the Applicant and at today's date the sum of £1,810.05 was still lawfully due as rent arrears. Ms Menzies confirmed that DHP was a short-term measure and along with the Universal Credit payment would pay the full monthly rent due until the tenancy ended but would not clear the arrears.

Having considered the Application and having heard from parties, the Tribunal made the following findings in fact.

### *Findings in Fact*

- I. *The parties entered into a tenancy at the Property which commenced on 31 May 2020;*
- II. *The Applicant was the landlord and the Respondent was the tenant;*
- III. *The contractual monthly rent due under the tenancy was £650.00;*
- IV. *The Respondents fell into rent arrears and as at today's date the sum of £1,810.05 is lawfully due but unpaid.*

## **Reasons for Decision**

Having made the above findings in fact, the Tribunal granted the Application and made a Payment Order in the sum of £1,810.05 together with interest at a rate of 3 per cent per annum from today's date until payment.

## **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.

29 November 2021

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Legal Member/Chair

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Date