



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/21/2389

Re: Property at 52a Panmure Street, Monifieth, DD5 4EH (“the Property”)

Parties:

Mr Cameron Walker, Phoenix, Laurencekirk, Aberdeenshire, AB30 1PS (“the Applicant”)

Mr Bryan Deasley, previously residing at 52a Panmure Street, Monifieth DD5 4EH, and whose current whereabouts are unknown (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a Payment Order be granted against the respondent in the Sum of Four Thousand Four Hundred and Forty Four Pounds and Ninety Pence (£4,444.90)

Introduction

This is an application under rule 111 and section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.

Service upon the respondent has taken place by service by advertisement under Rule 6A. A corresponding certificate has been produced which discloses that the advertisement commenced on 5 January 2022. The respondent is recorded as having contacted the tribunal administration by email on 6 January 2022. He subsequently

obtained, by email, a copy of the application and papers together with the Case Management Discussion (CMD) date and joining instructions. Effective lawful service has taken place.

The CMD took place by teleconference at 10.00 am on 7 February 2022.

The applicant was represented by Mrs Nicola Brown of Messrs Blackadders LLP, solicitors. The respondent failed to participate at the hearing. There was no known barrier to him doing so.

Findings and reasons

The property is 52a Panmure Street, Monifieth DD5 4EH.

The applicant is Mr Cameron Walker. He is the heritable proprietor of the property and the former landlord. The respondent is Mr Bryan Deasley who is the former tenant.

The parties entered into a private residential tenancy which commenced on 6 September 2019. The rent was stipulated at £530 per month.

Throughout the duration of the tenancy, the respondent fell into arrears of the contractual rental payments. He failed to pay ten monthly rental payments during his occupation of the property. He vacated the property on 30 January 2021. The total rent arrears amounted to £5,300.

The application is supported by a detailed rent statement disclosing the sums which remain outstanding.

The amount sought in this application is £4,444.90. This reflects the total rent arrears due of £5,300 less the agreed reduction of the sum of £855.10 being the vouched electricity charges incurred by the respondent during the period October 2020 to January 2021. These electricity charges were higher than expected through no fault of the respondent due to the property central heating boiler not working. Copy email correspondence between the parties evidencing the respondent accepting the reduced sum of £4444.90 being due has been produced.

The applicant is entitled to recover arrears of rent lawfully due under and in terms of the lease.

The tribunal attached weight to the entirety of the unchallenged documentary evidence lodged on behalf of the applicant which was found to be both credible and reliable.

The respondent has not opposed the application and has made no time to pay application.

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.



Legal Member/Chair _____

Date _____