



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/23/1911

Re: Property at 3/1, 42 Scott Street, Dundee, DD2 2AJ (“the Property”)

Parties:

Hillcrest Enterprises Limited, 1 Explorer Road, Dundee, DD2 1EG (“the Applicant”)

Mr Neil Inglis, 3/1, 42 Scott Street, Dundee, DD2 2AJ (“the Respondent”)

Tribunal Members:

Josephine Bonnar (Legal Member) and Elizabeth Dickson (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment of the sum of £4113.43 should be granted against the Respondent in favour of the Applicant.

Background

- 1. The Applicant seeks a payment order in relation to unpaid rent. A copy tenancy agreement and rent statement were lodged in support of the application.**
- 2. A copy of the application and supporting documents were served on the Respondent by Sheriff Officer. Both parties were advised that a Case Management Discussion (“CMD”) would take place on 21 September 2023 at 10am by telephone conference call. They were provided with a telephone number and passcode and advised that they were required to participate. On 4 September 2023, the Applicant’s solicitor lodged an updated rent statement and a request to amend the sum claimed to £4113.43.**

3. The CMD took place on 21 September 2023 at 10am. The Applicant was represented by Ms Brechany, solicitor. The Respondent did not participate and was not represented. He did not contact the Tribunal in advance of the CMD or lodge written representations.

Case Management Discussion

4. Ms Brechany told the Tribunal that the Respondent is still occupying the property. A visit was carried out by a member of the Applicant's staff on 7 September 2023, for the gas safety check to be carried out. The Respondent confirmed that he was aware of the CMD and intended to repay the rent arrears. However, no further payments have been received. Ms Brechany advised the Tribunal that numerous letters have been issued to the Respondent regarding the arrears. In addition, there have been text messages and other attempts to engage with him. Although he has failed to engage recently, he is fully aware of the arrears and that applications have been made to the Tribunal in connection with the arrears.
5. Ms Brechany referred the Tribunal to the updated rent statement. She said that no payments have been received since July 2023. Prior to that, payments were being made by the DWP. The Applicant does not know why these payments have stopped. The Respondent may be in employment, but the Applicant does not know if this is the case. The Tribunal was told that the Respondent has been in arrears of rent since October 2021 and now owes £4113.43. A payment order is sought for this sum.

Findings in Fact

6. The Applicant is the landlord of the property.
7. The Respondent is the tenant of the property in terms of a short assured tenancy agreement.
8. The Respondent is due to pay rent at the rate of £380.15 per month.
9. The Respondent owe the sum of £4113.43 in unpaid rent to the Applicant.

Reasons for Decision

10. From the documents submitted with the application, and the information provided at the CMD, the Tribunal is satisfied that the Respondent owes the sum of £4113.43 in unpaid rent and that the Applicant is entitled to a payment order for this sum.

11. The Applicant seeks interest in terms of Rule 41A of the Tribunal Procedure Rules, at the rate of 8% from the date of the decision to grant the order. The Tribunal is satisfied that interest should be awarded at this rate.

Decision

12. The Tribunal determines that an order for payment should be granted against the Respondent.

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.



Josephine Bonnar, Legal Member

21 September 2023