



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014 (“the 2014 Act”) and Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Rules”)

Chamber Ref: FTS/HPC/CV/21/1118

**Re: Property at 3 St John’s Place, Montrose, DD10 8JU
 (“the Property”)**

Parties:

**Tarragon Properties Limited, incorporated under the Companies Acts and having a place of business at 62 New Wynd, Montrose, DD10 8RF
 (“the Applicant”)**

**Mr Janis Liepins, 3 St John’s Place, Montrose, DD10 8JU
 (“the Respondent”)**

Tribunal Members:

Ms. Susanne L M Tanner Q.C. (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) determined that the Respondent should pay to the Applicants the sum of THREE THOUSAND AND TEN POUNDS (£3010.00) STERLING; and made an Order for Payment in respect of the said sum.

1. Procedural background

- 1.1. The Applicant made an Application to the tribunal on 11 May 2021 in terms of Section 16 of the 2014 Act and Rule 111 of the 2017 Rules, seeking an order for payment against the Respondent in the sum of £3010.00 in respect of rent arrears to 11 May 2021.
- 1.2. The Application documentation submitted by the Applicants' Representative comprised:
 - 1.2.1. A Private Residential Tenancy agreement dated 1 February 2018; and
 - 1.2.2. A rent ledger showing payments and arrears (the wrong rent schedule was lodged in error.)
- 1.3. The tribunal's administration obtained the Title Sheet for the Property which shows that the Applicant was registered as proprietor on 6 January 2006.
- 1.4. In response to a request for further information, the Applicant produced a rent schedule for the Property and Respondent.
- 1.5. On 8 June 2021, the Application was accepted for determination by the tribunal.
- 1.6. By letter of 17 June 2021, parties were notified of the date, time and place of a Case Management Discussion ("CMD") teleconference on 22 July 2021 at 1000h. The Respondent was invited to submit written representations to the Application by 8 July 2021.
- 1.7. On 21 June 2021, the Respondent was served with the application paperwork and notification of the CMD by Sheriff Officers.
- 1.8. No written representations were submitted by the Respondent in advance of the CMD.

2. CMD: 22 July 2021, 1000h, teleconference

- 2.1. Ms Rachel Downs appeared on behalf of the Applicant.
- 2.2. The Respondent did not attend the CMD. The tribunal was satisfied that the requirements of rule 24(1) regarding the giving of notice of a hearing had been duly complied with and proceeded with the Application upon the

representations of the party present and all the material before it, in terms of Rule 29.

2.3. Ms Downs stated that the Respondent is still living in the property. The Respondent has been in contact with the Applicant since the Application was made. A colleague of Ms Downs has received two text messages from the Respondent in the last three weeks. One was to say that he would make a payment towards ongoing rent and the second was to say that he could not make the rent payment.

2.4. Ms Downs sought a payment order for £3010.00. She stated that there have been arrears since June 2019 and made reference to the rent schedule which was lodged. Rent arrears as at 11 May 2021 were £3010.00, which is the sum claimed. The tenancy is ongoing. The Respondent has not made any payment towards the rent arrears to 11 May 2021 in the period since that date. Ms Downs stated that the Respondent has also not made his normal rent payments. He currently owes £3940.00. As any application to amend would have necessitated an adjournment of the proceedings to provide notice to the Respondent, Ms Downs decided to proceed with the current sum claimed for rent arrears to 11 May 2021 and stated that the Applicant may make a further Application in respect of rent arrears from that date forward, if they feel that it is necessary.

3. Findings-in-Fact

3.1. The Applicant is the registered proprietor of the Property.

3.2. In terms of a Private Residential Tenancy agreement between the parties in respect of the Property dated 1 February 2018, the start date of the tenancy was 1 February 2018.

3.3. Rent is payable by the Respondent to the Applicant at the rate of £465.00 per calendar month, on 1st of each month, in advance.

3.4. The rent arrears which accrued from June 2019 to 11 May 2021 amounted to £3010.00.

3.5. The Respondent has not made any payments to the Applicant in respect of rent arrears to 11 May 2021 since that date.

3.6. The Respondent's tenancy is ongoing.

4. Discussion

4.1. As the tribunal was satisfied that the Respondent owes £3010.00 to the Respondent by way of rent arrears to 11 May 2021, the tribunal made an Order for Payment in respect of the rent arrears in the sum of £3010.00.

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.

22 July 2021

Ms. Susanne L M Tanner Q.C.
Legal Member/Chair