

**Housing and Property Chamber**  
First-tier Tribunal for Scotland



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber)**

Reference number: FTS/HPC/CV/19/3798

**Re: Property at 606 Charleston Drive, Dundee DD2 4AB ("The Property")**

**Parties:**

Gerard Quinn and Brian Smith residing at 10 Kerrington Crescent, Broughty Ferry, Dundee, DD6 2TN and ("the Applicants")

Abigail Mawutor, residing at 606 Charleston Drive, Dundee DD2 4AB ("the Respondent")

**Tribunal Members:**

Paul Doyle (Legal 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 should be made.**

**Background**

The Applicant sought an order for payment of rental arrears totalling One Thousand Eight Hundred and One Pounds and Twenty-Seven pence (£1801.27). The Applicant lodged with the Tribunal Form F. The documents produced were a Tenancy Agreement and a schedule of unpaid rental. A copy title sheet was lodged with the Tribunal which showed that the applicants are the heritable proprietors of the Property.

**Case Management Discussion**

A case management discussion took place before the Tribunal at 11.30 am on 29 January 2020 at Caledonia House, Dundee. The Applicant was represented by David Wilkie of The Property Management Company. There was no appearance by or on behalf of the Respondent. The time date and place of this case management discussion was intimated to the respondent by sheriff officers on 27 December 2019.

## **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement for the Property on 19 December 2017.
2. The period of the Lease was from 19 December 2017. The rent in terms of the Tenancy Agreement was £450 per month.
3. Since taking entry the Respondent has failed to maintain full payment of rent. She has consistently underpaid the rental and has been in arrears of rent since taking entry to the property. At today's date there are arrears of rental totalling £1801.27.
4. Notice of the date of this hearing was served on the Respondent by sheriff officers on 27 December 2019.

## **Reasons for the Decision**

The Tribunal determined to make an Order for payment £1801.27. Rent was lawfully due in terms of clause 8 of the Tenancy Agreement at the rate of £450 per month. The respondent has persistently underpaid the monthly rental and has always been in arrears of rent. At today's date there are arrears of rent totalling £1,801.27

## **Decision**

For the foregoing reasons, the Tribunal determined to make an Order for 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.**

# Paul Doyle

Legal Member

Date 29 January 2020