

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) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/18/1513

Re: Property at Flat 6, 6 Rosebank Mews, Dundee, DD3 6PS ("the Property")

Parties:

Mr Djoni Huang, C/O 50 Dudhope Crescent Road, Dundee, DD1 5RR ("the Applicant")

Burnside Properties (Dundee) Ltd, c/o 50 Dudhope Crescent Road, Dundee, DD1 5RR ("the Applicant's Representative")

Mr Michal Greljak, Flat 6, 6 Rosebank Mews, Dundee, DD3 6PS ("the Respondent")

Tribunal Members:

Ruth O'Hare (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined to make an order for payment in the sum of £1,911.11 against the Respondent in favour of the Applicant.

Background

- 1** By application dated 19 June 2018 the Applicant sought an order for payment of outstanding rent arrears against the Respondent. In support of the application the Applicant submitted Tenancy Agreement between the Applicant and Respondent dated 14 June 2009 and a rent statement detailing payments received.
- 2** By Notice of Acceptance of Application dated 23 July 2018, the Legal Member with delegated powers of the Chamber President intimated that there were no grounds for rejection of the application. A Case Management Discussion was therefore assigned for 20 September 2018.

- 3 A copy of the application together with supporting documentation and notification of the Case Management Discussion was served on the Respondent by Sheriff Officers on 3rd September 2018.

The Case Management Discussion

- 4 The Case Management Discussion took place at Dundee Carers Centre on 20 September 2018. Carla Ritchie and Liz McGrath attended on behalf of the Applicant's Representative. The Respondent did not attend.
- 5 Ms Ritchie produced an up to date rent statement confirming arrears in the sum of £1,911.11 were outstanding as at the date of the Case Management Discussion. The Respondent had been in the property since 2009 but his circumstances had changed and he was no longer unable to afford a two bedroom flat. He was in receipt of housing benefit but this did not cover the monthly rent. He had previously accrued arrears back in 2016 which had been written off by the Applicant as a goodwill gesture. The Applicant was seeking an order for payment of the outstanding arrears.

Findings in Fact

- 6 The Applicant and the Respondent entered into a Tenancy Agreement dated 14 June 2009 in respect of the Property.
- 7 The initial term of the tenancy was six months. Thereafter the tenancy continued on a month to month basis as provided for in Clause 1.4 of the said Tenancy Agreement.
- 8 The tenancy was a short assured tenancy as defined by section 32 of the Housing (Scotland) Act 1988.
- 9 In terms of Clause 1.4 of the said Tenancy Agreement the Respondent undertook to pay rent of £360 per month.
- 10 The Respondent is in arrears of rent lawfully due in the sum of £1,911.11 as at 20 September 2018.

Reasons for Decision

- 11 Having considered the verbal and written representations from the Applicant the Tribunal was satisfied at the Case Management Discussion that it was able to make sufficient findings to determine the case without a hearing and that to do so would not be prejudicial to the interests of the parties. The Tribunal was satisfied that the Respondent had received proper notification by virtue of service of the papers by Sheriff Officers. He had not sought to dispute the terms of the application and had not taken the opportunity to attend the Case Management Discussion.

- 12 The Tribunal accepted based on its findings in fact that arrears of rent in the sum of £1,911.11 were lawfully due by the Respondent by virtue of the terms of the Tenancy Agreement between the parties and the updated rent statement produced by the Applicant's Representative. The Tribunal therefore determined to make an order for payment in the said sum.

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.

Ruth O'Hare

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| | <hr/> | 20 September 2018 |
| Legal Member/Chair | | Date |