



**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/23/2282**

**Re: Property at 85 Earn Crescent, Dundee, DD2 4BS (“the Property”)**

**Parties:**

**Makar Holding Limited, 1 Old Skene Road, Kingswells, Aberdeen, AB15 8QA (“the Applicant”)**

**Miss Donna Marnie, 85 Earn Crescent, Dundee, DD2 4BS (“the Respondent”)**

**Tribunal Members:**

**Lesley-Anne Mulholland (Legal Member) and Elizabeth Williams (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a Payment Order in the sum of £1,995 is payable by the respondent to the applicant.**

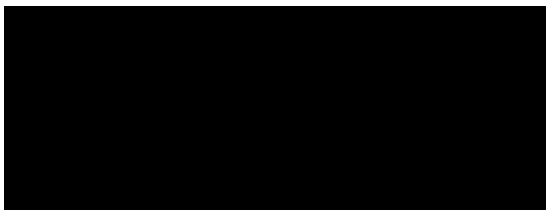
**Introduction**

1. This is an application under Rule 111 and Section 71 of the Private Housing (Scotland) Act 2016 for a Payment Order in respect of rent arrears.
2. The respondent is the tenant. She entered into a tenancy agreement which specifies that £575 is due in respect of rent each calendar month payable in advance.
3. The applicant asserts that the respondent, at the time of the application, had accrued rent arrears in the sum of £3,070.00.
4. The two-member case management discussion took place at 10.00 am on 10 November 2023 by teleconference. The applicant joined the hearing.

5. The respondent has failed to engage with the application. We decided to continue with the hearing in her absence after satisfying ourselves that the papers had been properly served on the respondent and that she was notified of today's CMD and having regard to the overriding objective.
6. Since the coming into force of the Coronavirus (Scotland) Act 2020, all eviction grounds are discretionary. Additionally, the notice periods have been extended by virtue of the 2020 Act. The relevant notice period is now 3 months. We were satisfied that proper notice had been given.
7. The applicant informed us that the respondent had not been in touch with him for many months and despite trying to enter into an agreement to pay rent arrears, she has failed to engage with him in anyway.
8. Having considered all of the information individually and together, we were satisfied that the applicant is entitled to the payment of £575 per calendar month and that as at the current date, the amount of rent arrears outstanding totals £1,995.00.
9. Accordingly, this application is allowed.

## **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 10 November 2023**