



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 70(1) of the Private Housing Tenancies (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/23/2892**

**Re: Property at 7 Almond Place, Dundee, DD2 1TX (“the Property”)**

**Parties:**

**Mr Sadiq Yaqub, 7 John Eve Avenue, Chelmsford, CM1 6DE (“the Applicant”)**

**Scott Bruce, Samantha Bruce, 7 Almond Place, Dundee, DD2 1TX (“the Respondent”)**

**Tribunal Members:**

**Ruth O'Hare (Legal Member) and John Blackwood (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment in the sum of Eight hundred and sixty seven pounds and seventy four pence (£867.74) against the Respondents**

**Background**

- 1 By application to the Tribunal the Applicant sought an order for payment of outstanding rent arrears in the sum of £950 against the Respondents. In support of the application the Applicant provided a copy of the private residential tenancy agreement between the parties and a rent statement confirming arrears of £950 as at 23 August 2023.
- 2 By Notice of Acceptance of Application dated 25 August 2023 the Legal Member with delegated powers from the Chamber President intimated that there were no grounds upon which to reject the application. A Case Management Discussion was therefore assigned and a copy of the application paperwork together with the date and time of the Case Management Discussion with instructions for joining the teleconference was served upon the Respondents by Sheriff Officers.

- 3 On 18<sup>th</sup> October 2023 the Applicant's representative, Gilson Gray Solicitors, emailed the Tribunal with an updated rent statement confirming arrears of £1,100 as at 10 October 2023. The Applicant's representative explained that the rent was due on the 10<sup>th</sup> of the month. In the event that no payment was received prior to the Case Management Discussion the Applicant sought amendment of the application to reflect the sum of £1,100, or £1,900 in the event that no payment was received from the Respondents prior to the Case Management Discussion.

### **Case Management Discussion**

- 4 The Applicant was represented at the Case Management Discussion by Mr David Gray of Gilson Gray Solicitors. The Respondents were not in attendance. The Tribunal noted that they had been served with the application paperwork together with notification of the date and time of the Case Management Discussion and instructions for joining the teleconference. The Tribunal therefore determined to proceed in their absence.
- 5 Mr Gray advised that he was seeking an order in the sum of £867.74. The Respondents had made some payments in September, however they had paid nothing in October, up until the date they left the property on 1<sup>st</sup> November.

### **Findings in Fact and Law**

- 6 The parties entered into a Tenancy Agreement in respect of the property dated 29 November 2020, which commenced on 1 November 2020.
- 7 The tenancy between the parties was a private residential tenancy as defined by section 1 of the 2016 Act.
- 8 In terms of Clause 8 of the said Tenancy Agreement the Respondents agreed to make payment of rent at the rate of £800 per month.
- 9 The tenancy between the parties terminated on 1<sup>st</sup> November 2023.
- 10 As at the date of termination rent arrears in the sum of £867.74 were outstanding. The Respondents are liable to pay the arrears in terms of Clause 8 of the said Tenancy Agreement.
- 11 Despite repeated requests the Respondents have refused or delayed in making payment of the sum due.

### **Reasons for Decision**

- 12 The Tribunal was satisfied at the Case Management Discussion that it had sufficient information upon which to make a decision and that to do so would not

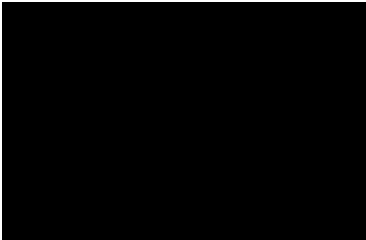
be prejudicial to the interests of the parties. The Respondents had been given the opportunity to attend the Case Management Discussion and to make written representations but had failed to do either. There were therefore no matters in dispute that would require a hearing to be fixed.

13 The Tribunal was satisfied based on its findings in fact that the Respondents had a contractual obligation to make payment of the sum of £800 per month to the Applicant in terms of the tenancy agreement between the parties and had failed to do so, resulting in arrears in the sum of £867.74 as at the termination date of the tenancy. There was nothing before the Tribunal to contradict the position put forward by the Applicant which the Tribunal found to be wholly credible.

14 The Tribunal therefore determined to make an order for payment in the sum of £867.74. The decision of the Tribunal was unanimous.

### **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.**



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**Legal Member/Chair**

**17 November 2023**

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**Date**