



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/23/2397**

**Re: Property at 44 Ladywell Avenue, Dundee, DD1 2LB (“the Property”)**

**Parties:**

**Ms Dee Flood, 2 Greystone Gardens, Barkingside, Essex, IG6 2HH (“the Applicant”)**

**Miss Claire McLaren and Mr Marc McGregor, 42 Errol Road, Invergowrie, Dundee, DD2 5AD (“the Respondents”)**

**Tribunal Members:**

**Shirley Evans (Legal 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 against the Respondents in favour of the Applicant in the sum of THREE THOUSAND SEVEN HUNDRED AND FIFTY ONE POUNDS AND SIXTY SEVEN PENCE (£3751.67) STERLING. The order for payment will be issued to the Applicant after the expiry of 30 days mentioned below in the right of appeal section unless an application for recall, review or permission to appeal is lodged with the Tribunal by the Respondents.**

**Background**

- 1. This is an action for recovery of rent arrears raised in terms of Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”).**
- 2. The application was accompanied by a copy of a Private Residential Tenancy Agreement between the parties dated 10 May 2022 and a rent statement.**

3. On 29 November 2023 the Tribunal enclosed a copy of the application and invited the Respondents to make written representations to the application by 20 December 2023. The Tribunal advised parties that a Case Management Discussion (“CMD”) under Rule 17 of the Regulations would proceed on 24 January 2024. This paperwork was served on the Respondents by Roger Ewen, Sheriff Officer, Aberdeen on 30 November 2023 and the Executions of Service were received by the Tribunal administration.

### **Case Management Discussion**

4. The Tribunal proceeded with a CMD on 24 January 2024 by way of teleconference. Laura Wheelan from Rent Locally Tayside and Fife appeared on behalf of the Applicant. There was no appearance by or on behalf of either Respondent despite the CMD starting 5 minutes late to give them plenty of time to join. The Tribunal was satisfied the Respondents had received notice under Rule 24 of the Regulations and accordingly proceeded with the CMD in their absence.
5. The Tribunal had before it the Private Residential Tenancy Agreement between the parties dated 10 May 2022 and a rent statement. The Tribunal considered these documents.
6. Mrs Wheelan explained to the Tribunal that she was seeking a payment order for £3751.67. She explained the Respondents had vacated the Property on 6 October 2023. The Respondents left arrears of £3751.67. The Tribunal noted the terms of the tenancy agreement in terms of which the Respondents had agreed to pay rent of £850 per month.

### **Reasons for Decision**

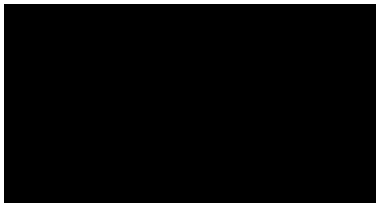
7. The Tribunal considered the issues set out in the application together with the documents lodged in support, including the tenancy agreement and the rent statement. Further the Tribunal considered the submissions made by Mrs Wheelan.
8. The Tribunal noted the terms of the tenancy agreement and the rent statement which set out how the arrears had arisen. The Applicant had produced evidence of persistent non-payment of rent. The Respondents had not disputed the application. The Tribunal was satisfied on the basis of the documents lodged, together with Mrs Wheelan’s submissions that an order for payment in favour of the Applicant be granted.

### **Decision**

9. The Tribunal granted an order for payment of £3751.67 in favour of the Applicant.

## **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**

**24 January 2024**

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**Date**