

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/23/1291

Re: Property at 63/1R Crescent Street, Dundee, DD4 6DT (“the Property”)

Parties:

Mrs Lalitha Rajanathan, 5 Hyndford Street, Dundee, DD2 1HQ (“the Applicant”)

Miss Kayleigh Robertson, Stewart Douglas, UNKNOWN, UNKNOWN; 30 Scott Court, Dundee, DD3 6QE (“the Respondent”)

Tribunal Members:

Lesley-Anne Mulholland (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) made a Payment Order in the sum of £3925.91.

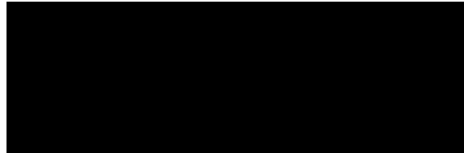
Introduction

1. This is an application under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016 for a Payment Order in respect of rent arrears accrued from 5 March 2021.
2. The respondents were the tenants. They entered into a tenancy agreement on 5 March 2021.
3. The applicant asserts that the respondents have accrued rent arrears, at the date of the application, in the sum of £3,925.91.
4. A Case Management Discussion (CMD) took place at 2pm on 12 February 2024 by teleconference. The applicant was not present. Mrs Wheelan represented the applicant and joined the hearing.

5. I waited until 215pm and checked with the clerk to establish whether the respondents had made contact to advise of any difficulty they may have had. They had not made contact. I was satisfied that they were properly notified of the hearing.
6. The respondents have failed to engage with the application in any way. I took into account the extent of arrears and the length of time over which they had accrued. I decided to continue with the discussion in their absence having regard to the overriding objective.
7. Mrs Wheelan informed me that the first respondent had a lease for the property which she entered into on 5 December 2019 and which continued until 5 March 2021. This was a tenancy in her sole name. She contacted the applicant to say that she was struggling to pay her arrears but she had a new partner who she wanted to join her tenancy. The applicant agreed to this and started a new tenancy agreement from 5 March 2021 in joint names between the first and second respondents. Rent was due to be paid of £495 per calendar month along with £59.66 towards arrears.
8. By 5 August 2022, no rent had been paid for seven months. The applicant's finance department attempted to make contact with the first respondent however she did not answer any communications. The second respondent had called to advise that he was no longer a tenant. A fresh tenancy agreement was made between the applicant and the first respondent from 5 September 2022. It is helpful to state here that the fresh tenancy arrangement also ran into difficulties and an application has been made for a Payment Order in respect of rent arrears in the sum of £1950.76 against the first respondent. The reference number for that application is CV/23/1293.
9. The application under CV/23/1293 represents rents arrears in the sum of £1950.76 which accrued from 5 September 2022 until 5 March 2023. As the first respondent was in arrears of more than three months, the applicant gave notice to quit and the first respondent abandoned the property on 5 March 2023 which brought the tenancy to an end.
10. Having considered all of the information individually and together, I am satisfied that the respondents have accrued rent arrears in the sum of £3,925.91 which have been outstanding for a considerable period of time.
11. The respondents have expressed no intention of paying that sum. Their actions in this respect are unreasonable. Accordingly, I decided to grant an Order for Payment against the Respondents in the sum of £3,925.91.

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 12 February 2024