

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/23/3358

Re: Property at 47 Eastfield Road, Dumfries, DG1 2EJ (“the Property”)

Parties:

Mr Jeremy Lindsey, Mrs Marie Lindsey, 16 Lavinia Way, East Preston, Littlehampton, BN16 1EF (“the Applicant”)

Mr Neal Hannah, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member)

1. Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent shall make payment to the Applicant the sum of five thousand nine hundred and fifty seven pounds and eighty six pence (£5957.86).

2. This was a case management discussion (‘CMD’) in connection with an Application in terms of section 71 of the Housing (Scotland) Act 2016 (‘the Act’) and rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (‘the rules’) to recover rent arrears. The Applicant was represented by Ms Georgia Marshall, Property Manager of Dumfries Mortgage and Property Shop. The Respondent did not attend and was not represented.

Preliminary matters

3. The Tribunal had attempted to serve the application by Sheriff Officer however they reported on 29 November 2023 that the property was empty when they tried to effect service. The Tribunal therefore served the application by advertisement on the Tribunal website. The Tribunal was satisfied that service had been effected and

proceeded with the CMD in the Respondent's absence In terms of rule 29.

3. Discussion

Ms Marshall was seeking an order for the sum of £5957.86 in respect of rent arrears for the property as set out in the application dated 19 September 2023 and the rent statement. She was also seeking further sums which had accrued between the application being made and 8 October 2023 when the respondent left the property. She explained that rent arrears began to accrue in September 2020 and the Applicant had made various applications for grants on the Respondent's behalf to reduce the arrears. A grant of £2000 had been awarded in February 2022 and this had reduced the arrears.

4. Findings in fact

- The Applicant is the owner of the property.
- The parties entered into a private residential tenancy agreement for let of the property from August 2020.
- The agreed monthly rent was £400. .
- The rent increased to £625 on 25 December 2020.
- Rent arrears began to accrue September 2020.
- The Respondents left the property on 8 October 2023.
- The accrued rent arrears in August 2023 were £5957.86.
- The sum of £5957.86 remains outstanding.

5. Reasons

This was an undefended application to recover rent arrears for the property. The Tribunal was satisfied that it had sufficient information before it to make a decision and that the procedure had been fair. The Tribunal was not minded to grant any sums beyond those set out in the rent statement provided as no notice was given in terms of rule 14A. The Tribunal accordingly granted an order for the sum of £5957.86.

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

19 January 2024