



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014**

**Chamber Ref: FTS/HPC/CV/23/3201**

**Re: Property at 2/2 26 Albert Street, Dundee, DD4 6QG (“the Property”)**

**Parties:**

**Painted Oval Ltd, 12 Kingfisher Place, Broughty Ferry, Dundee, DD5 3JZ (“the Applicant”)**

**Mr Andrew Johnston, sometime 2/2 26 Albert Street, Dundee, DD4 6QG (“the Respondent”)**

**Tribunal Members:**

**George Clark (Legal Member) and Ahsan Khan (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £5,551.91.**

**Background**

1. By application dated 12 September 2023, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £3,820.67.
2. The application was accompanied by a copy of a Private Residential Tenancy Agreement between WMB Properties Limited and the Respondent, commencing on 16 November 2018 at a monthly rent of £343.37, a Rent Statement showing arrears at the date of the application of £3,820.67 and a copy of a letter of 4 July 2022, advising the Respondent that the Property had been sold and that the Applicants were now his landlords.

3. On 13 December 2023, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 3 January 2024. The Respondent did not make any written representations to the Tribunal.
4. On 18 January 2024, the Applicant's representatives provided the Tribunal with an updated Rent Statement showing arrears as at 18 January 2024 of £5,640.67 and requested to amend the application to increase to that figure the amount sought.

### **Case Management Discussion**

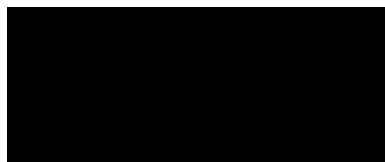
5. A Case Management Discussion was held by means of a telephone conference call on the afternoon of 7 February 2024. The Applicant was represented by Ms Melissa Coleman of Struan Baptie Property Management Limited, Dundee. The Respondent was not present or represented.
6. Ms Coleman told the Tribunal that the Respondent's daughter had emailed her earlier in the day to say that the Respondent had moved out and the keys had been put through the letterbox of the Property. Ms Coleman had verified this and confirmed that the Respondent's belongings had gone. Accordingly, she advised the Tribunal that she had recalculated the rent due to today's date and was now seeking an Order for Payment of £5,551.91.

### **Reasons for Decision**

7. The Tribunal was satisfied that the amount sought in the application, as amended to £5,551.91, had become lawfully due by the Respondent to the Applicant.
8. The Tribunal's Decision 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.**



---

**Legal Member/Chair**

**7 February 2024**  
**Date**