

Lesley-Anne Mulholland

(Legal Member)

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 of the Private Housing
(Tenancies) (Scotland) Act 2016.**

Chamber Ref: FTS/HPC/CV/23/4092

**Re: Property at 35 FORTHILL DRIVE, BROUGHTY FERRY, DUNDEE, DD5 3DY
("the Property")**

Parties:

**Mr Parmjit Athwal, 9 GILSTON PLACE,, BROUGHTY FERRY,, DUNDEE, DD5
3JB ("the Applicant")**

**Ms Amanda Jayne Dolan, 35 FORTHILL DRIVE, BROUGHTY FERRY, DUNDEE,
DD5 3DY ("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") determined to make a Payment Order in the sum of £4,248.00 with
interest thereon at the rate of 4% per annum until payment.**

ANALYSIS AND CONCLUSION

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 May 2022.
2. The applicant is the landlord and the respondent is the tenant.
3. A Case Management Discussion (CMD) took place at 10.00 am on 8 March 2024 by teleconference. The applicant was represented by Miss White. The respondent failed to attend. She notified the Tribunal that she was unable to attend because of ill health. She did not seek to adjourn the application to a later date and has not engaged with the application in any other way.
4. I reminded myself of the overriding objective. The respondent was notified that a decision could be taken at a Case Management Discussion. As there was no indication as to when she may be available to take part in the hearing, I decided to proceed in her absence. I took into account the length of time the arrears have been running from (May 2022) and the lack of any meaningful engagement by the respondent in meeting her rent liability. Having taken everything into account, I decided that it was fair and just to proceed.
5. The applicant and respondent entered into a Private Residential Tenancy Agreement in May 2022. The Tenancy Agreement specifies that £800 is due in respect of rent each calendar month, payable in advance.
6. It has not been disputed that the respondent has accrued rent arrears in the sum of £4,248.00 from May 2022. Miss White informed me that the respondent is still living in the property. A separate action for an Order for Possession is in process. The applicant landlord receives a direct payment from universal credit (housing element) in the sum of £500 every month leaving a shortfall. The arrears have been steadily accruing since the start of the Tenancy. By February 2024 they stood at £4,248.
7. Having considered all the information before me it is clear that the respondent has not meaningfully engaged with the application and provided any reasons for the non-payment of rent or put forward to any reasonable proposal to reduce and/or extinguish the arrears.
8. Having considered all of the information before me, individually and together, I am satisfied from the schedule of rent payments that the sum sued for is owed by the respondent to the applicant.
9. I have decided to award 4% interest per annum, as applied for, as it is fair and reasonable to do so.

Outcome

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a Payment Order be granted against the Respondents for payment to the Applicant in the sum of £4,248.00 with interest thereon at the rate of 4% per annum until payment.

NOTE: This document is not confidential and will be made available to other First-tier Tribunal for Scotland (Housing and Property Chamber) staff, as well as issued to tribunal members in relation to any future proceedings on unresolved issues.

Lesley-Anne Mulholland

Legal Member

Date 8 March 2024