



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/24/0140

Re: Property at 43 Viewmont, Forfar, DD8 1LL (“the Property”)

Parties:

GL Property Lets Ltd, 3 Osprey Rise, Dundee, DD2 5GF (“the Applicant”)

Mr Frazer Elder, residing formerly at 43 Viewmont, Forfar and whose present address is unknown (“the Respondent”)

Tribunal Members:

Andrew Cowan (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the sum of £3900.00 was lawfully due by the Respondent and granted an order for payment of that sum by the Respondent to the Applicant.

Background

1. By an application dated 10th January 2024 (“the Application”), the Applicant sought an order for payment of £3900.00 from the Respondent in respect of rent arrears.
2. A copy of the Application, along with a letter from the Tribunal giving details of a proposed Case Management Discussion, was intimated by email dated 8th May 2024 upon the Respondent from the Tribunal administration. On 9th May 2024 the Respondent replied to the Tribunal administration requesting further information. On the same date the Tribunal had sent a further email to the Respondent which included a further copy of the application, together with notification of the CMD hearing.

3. A Case Management Discussion (“CMD”) took place by teleconference on 14th June 2024. The Applicant was represented at the CMD by one of their Directors, Mr George Wanless.
4. The Respondent did not join the CMD call. The Tribunal were satisfied that the Application, and details of the CMD, had been intimated upon the Respondent by email dated 9th May 2024. The Respondent has not made any written representations to the Tribunal in advance of the CMD. The Tribunal was satisfied that the Respondent had been given reasonable notice of the date, time and place of the CMD and that the requirements of rule 24(1) of the First-Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Procedure Rules”) had been duly complied with. In the circumstances the Tribunal proceeded with the application in accordance with rule 29 of those Procedure Rules.
5. At the CMD the Tribunal was able to consider:
 - a. The terms of the tenancy agreement between the parties. The tenancy agreement was a Private Residential Tenancy Agreement in relation to the Property. The tenancy between the parties had commenced on or around 21st December 2020. The monthly rent due in terms of the tenancy agreement between the parties was £600.00.
 - b. A Statement of rent and arrears had been lodged with the Application showing total rent arrears due by the Respondent as of 21st March 2023 in the sum of £3900.00.

Further Information:

6. The Applicants’ representative explained to the Tribunal that the tenancy agreement between the parties had terminated in May 2023. At that date the Respondent had accrued rent arrears in the sum of £3900 as shown in the rent statement which the Respondent had lodged with the Application. The Applicant’s representative confirmed that no payment had been made by the Respondent towards the rent arrears after the date the of the Application. He explained that the sum of £3900 continued to be due by the Respondent to the Applicant in respect of arrears of rent accrued by the Respondent during the term of the tenancy agreement between the parties.
7. Under rule 17(4) of the Procedure Rules the First-Tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision. The Applicant asked the Tribunal to grant an order for payment against the Respondent in favour of the Applicant for the sum of (£3900.00).

Findings in fact, and in fact and law; reasons for decision

8. The Applicant let the Property to the Respondent in terms of a written tenancy agreement which commenced on 21st December 2020. The monthly rent due in terms of the tenancy agreement between the parties was £600.00.
9. By the date of the termination of the tenancy between the parties the Respondent had accrued arrears of rent under the terms of the tenancy agreement in the sum of £3900.
10. As at the date of the CMD the sum of £3900.00 remains due and owing by the Respondent to the Applicant in respect of arrears of rent incurred by the Respondent in respect of his occupancy of the property.

Decision

11. The Tribunal accordingly granted an order for payment by the Respondent to the Applicant in the sum of £3900.00.

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 em.

**Andrew Cowan
Legal Member/Chair**

Date 14th June 2024