



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ('The Procedure Rules) in relation to an application for civil proceedings relative to a Private Residential Tenancy under Rule 111 of the Procedure Rules.

Chamber Ref: FTS/HPC/CV/23/4622

1/R, 76D Clepington Road, Dundee, DD3 7SW ("the Property")

Parties:

Quarry Management & Investment Co Limited, Quarry Cottage, Main Street, Inchtute, Perth, PH14 9RN ("the Applicants")

Dymock Properties Ltd ('The Applicants' Representative')

Mr Hemenath Guna Sekeran and Mr Sathya Damodaran residing at 1/R, 76D Clepington Road, Dundee, DD3 7SW ("the Respondents")

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal")

Tribunal Members: Jacqui Taylor (Legal Member) and Donald Wooley (Ordinary Member)

Background

1. The Applicants submitted an application to the Tribunal dated 20th December 2023 for payment of arrears of rent in the sum of £11,900 being the sum outstanding as at 20th December 2023.

2. Documents originally lodged with the Tribunal.

Documents lodged with the Tribunal by the Applicants were:

2.1 A copy of the Tenancy Agreement.

2.2 Rent Statement for the period 29th December 2020 to 4th August 2028th November 2023 showing an outstanding balance of £11,900.

3. First Case Management Discussion.

This case called for a Case Management Discussion (CMD) at 14.00 on 29th May 2024.

The Applicants' Representative Mr Dymock attended the CMD.

The Respondents did not attend and were not represented. They had been notified of the CMD by Roderick Stevenson, Sheriff Officer on 18th April 2024. The Tribunal were content to proceed with the CMD as the requirements of Tribunal Rule 29 had been satisfied.

The Respondents had not provided any written representations.

Mr Dymock advised that Tribunal that the current arrears amounted to £14720 but he acknowledged that he had not submitted an application to amend the sum sought. He sought payment of the arrears amounting to £11,900 as detailed in the application.

4. Decision

4.1 The Tribunal made the following findings in fact:

4.1.1 The Applicants are Landlords and heritable proprietors of the Property.

4.1.2 The Respondents are Tenants of the Property in terms of the lease between the parties.

4.1.2 The lease is a Private Residential Tenancy in terms of the Private Housing Tenancies (Scotland) Act 2016 ('The 2016 Act').

4.1.3 The rent due in terms of the lease is £470 per month.

4.1.4 The rent arrears due by the Respondents as at 20th December 2023 was £11,900.

4.2 The Tribunal determined that the Respondents are due to pay the Applicants the sum of £11,900 in respect of outstanding rent as at 20th December 2023 and accordingly they issued an Order for Payment in this sum.

5. 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.

Jacqueline Taylor

Legal Member

29th May 2024