



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/24/0284

Re: Property at Flat 2 G/L 341 Clepington Road, Dundee, DD3 8BA (“the Property”)

Parties:

WMB Properties Ltd, Murrayacre, Glencarse, Perth, PH2 7NJ (“the Applicant”)

Mr Liam Harvey, Flat 2 G/L 341 Clepington Road, Dundee, DD3 8BA (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Angus Lamont (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Order for Payment against the Respondent in favour of the Applicant in the sum of £2,862.44.

Background

1. The Applicant submitted an application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order for payment in respect of rent arrears said to have been incurred by the Respondent.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 10 April 2024 informing both parties that a CMD had been assigned for 21 May 2024 at 10am, which was to take place by conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers

the procedure to have been fair. The Respondent was invited to make written representations by 1 May 2024. No written representations were received.

4. On 9 May 2024, the Tribunal received an updated rent statement from the Applicant's representative.

The case management discussion – 21 May 2024

5. The CMD took place by conference call. The Applicant was represented by Miss Melissa Coleman. The Respondent did not join the conference call and the discussion proceeded in his absence. This case called alongside a related case which proceeds under chamber reference FTS/HPC/EV/24/0283. The Applicant's representative explained that an up to date rent statement was lodged on 9 May 2024, which shows that the rent arrears have increased to £2,862.44. Despite the Respondent's promises to pay rent, no payments have been made to the rent arrears.

Findings in Fact

6. The parties entered into a private residential tenancy which commenced 5 May 2023.
7. The contractual monthly rent is £475 per month, payable in advance.
8. The Respondent has accrued rent arrears of £2,862.44.

Reason for Decision

9. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondent failed to lodge written representations and failed to participate in the CMD. There was nothing to suggest that the Respondent disputed the accuracy of the rent statement. The Respondent had fair notice of these proceedings and a copy of the updated rent statement had been sent to the Respondent. The Tribunal was satisfied that the Respondent has accrued rent arrears amounting to £2,862.44. The Tribunal granted the application to increase the sum sued for and granted an order in that sum.

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.



N.Irvine

Legal Member/Chair

21 May 2024

Date