



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 (“the Act”)

Chamber Ref: FTS/HPC/CV/23/4048

Re: Property at 12 Flat 2FL (2f1) Balmore Street, Dundee, DD4 6SY (“the Property”)

Parties:

Adams Property Investment Limited, 1st Floor, 19 Clifftown Road, Southend on Sea, Essex, SS1 1AB (“the Applicant”) per their agents, Sandstone UK Property Management Solutions Ltd , 14 Coates Crescent, Edinburgh, EH3 7AF (“the Applicant’s Representative)

Mr Gabriel Mos, GFR 35 Dundonald Street, Dundee, DD3 7PZ (“the Respondent”)

Tribunal Member:

Karen Moore (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order for Payment in the sum of TWO THOUSAND FOUR HUNDRED AND SIXTY SEVEN POUNDS AND EIGHTY PENCE (£2,467.80) Sterling be granted.

Background

1. By application received 13 November 2023 and 31 January 2024 (“the Application”), the Applicant’s Representative on behalf of the Applicant applied to the Tribunal for an Order for payment of rent due and owing by the Respondent to the Applicant arising from a tenancy agreement between the Parties.

2. The Application comprised a copy of the tenancy agreement between the previous owner of the Property and the Respondent, evidence of acquisition of the Property by the Applicant, copy Notice to Leave terminating the tenancy on 23 July 2022 and a statement of rent due and owing amounting to £2,467.80 from 7 December 2021 to 23 July 2022.
3. The Application was accepted by the Tribunal and a Case Management Discussion (the "CMD") was fixed for 24 June 2024 at 14.00 by telephone conference. The CMD was intimated to the Parties, and to the Respondent, in particular, by Sheriff Officer on 21 May 2024.

CMD

4. The CMD took place on 24 June 2024 at 14.00 by telephone. The Applicant was not present and was represented by Ms. Mackenzie of the Applicant's Representative. The Respondent was not present and was not represented. The Tribunal took the view that the Respondent was fully aware of the CMD and had chosen not to attend. Accordingly, the Tribunal proceeded in the absence of the Respondent.
5. Ms. Mackenzie confirmed to the Tribunal that the sum of £2,467.80 in respect of rent remained due and owing by the Respondent to the Applicant and that an Order for this sum was sought.

Findings in Fact

6. From the Application and the Hearing, the Tribunal made the following findings in fact: -
 - i) There had been a private residential tenancy of the Property between the previous owner of the Property and the Respondent with an entry date of 7 December 2021 and at a monthly rent of £450.00;
 - ii) The Applicant acquired the Property in or around January 2022 and became the landlord in terms of the private residential tenancy;
 - iii) The Respondent paid a tenancy deposit of the £300.00;
 - iv) The tenancy ended on 23 July 2022;
 - v) The Respondent did not pay any rent during the tenancy;
 - vi) Rent amounting to £2,767.80 accrued from 7 December 2021 to 23 July 2022;
 - vii) The Applicant applied the tenancy deposit of £300.00 to rent due and owing by the Respondent;
 - viii) The sum of £2,467.80 remains due and owing by the Respondent to the Applicant.

Decision and reasons for the decision

7. The Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal “may do anything at a case management discussionincluding making a decision” Having found in fact that the Respondent is due and owing to the Applicant for the sum of £2,467.80, the Tribunal proceeded to make an order for payment in the sum of £2,467.80.

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.

K. Moore

Legal Member/Chair

24 June 2024
Date