



**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/24/0700**

**Re: Property at 4T Hebrides Drive, Dundee, DD4 9SA (“the Property”)**

**Parties:**

**Home Group Limited, Pavillion 6, Parkway Court, 321 Springhill Parkway, Ballieston, Glasgow, G69 6GA (“the Applicant”)**

**Messrs Lindsays, Solicitors, 18 Greenmarket, Dundee, DD1 4QB**

**Ms Jennifer Valentine, 4T Hebrides Drive, Dundee, DD4 9SA (“the Respondent”)**

**Tribunal Members:**

**Martin McAllister (Legal Member) and Ahsan Khan (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order of payment be made requiring the Respondent to pay the sum of THREE THOUSAND FOUR HUNDRED AND FORTY FOUR POUNDS 27 PENCE (£3,444.27) to the Applicant.**

**Background**

1. On 12 February 2024, the Applicant’s Representative submitted an application to the First-tier Tribunal for Scotland seeking an order of payment in respect of rent arrears.
2. On 3 April 2024, the application was accepted for determination by the Tribunal.
3. A case management discussion was held by audio conference on 9 August 2024.

4. The Applicant's Representative submitted written representations and an updated rent statement on 31 July 2024.

#### The case management discussion

5. Miss Alison Fitzgerald, solicitor, represented the Applicant.
6. The Respondent was not present and the tribunal noted that the arrangements for the case management discussion had been intimated to the Respondent by Sheriff Officer on 4 July 2024.
7. The Legal Member explained the purpose of a case management discussion.
8. Miss Fitzgerald invited the tribunal to determine the matter without a Hearing and to grant a payment order. She explained that the sum due to the Applicant by the Respondent was in respect of rent arrears.
9. Miss Fitzgerald said that the rent statement which she had submitted on 31 July 2024 showed the level of arrears and that she was seeking an order for £4186.35. She conceded that this was a sum higher than that which was in the application. The application stated the level of rent arrears at that time to be £3444.27.
10. Miss Fitzgerald accepted that her request for amendment of the sum claimed had not been made in accordance with Rule 14 A of the Tribunal Rules. She agreed that, on reflection, she would be seeking an order for the sum of £3444.27.

#### 11. Findings in Fact

- (i) The Applicant and the Respondent entered into a private residential tenancy agreement in respect of the Property on 28 September 2022.
- (ii) The tenancy commenced on 28 September 2022.
- (iii) The monthly rent due under the private residential tenancy was £661.36 at its commencement, increased to £681.18 on 1 August 2023 and is currently £733.64.
- (iv) The rent arrears due at 12 February 2024 were £3444.27.
- (v) The rent arrears due at 12 July 2024 were £4,186.35.

#### 12. Documents before Tribunal

- (i) Private residential tenancy agreement dated 24<sup>th</sup> February 2022.
- (ii) Rent statements.

### Applicant's Position

13. Miss Fitzgerald said that the rent statement submitted by her on 31 July 2024 was evidence of the rent arrears. She said that the Respondent had failed to engage with the Application in addressing the rent arrears and that there was no reason why the Applicant should not be paid the sum being sought.
14. Miss Fitzgerald said that the Respondent had made only two payments of rent since the commencement of the tenancy.

### Reasons for Decision

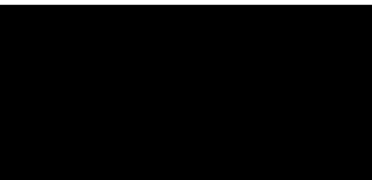
15. The tribunal saw no reason for determination of the application to be continued to a Hearing. Arrangements for the case management discussion had been intimated to the Respondent and she had not attended and had not submitted written representations.

### Decision

16. The tribunal determined that the application be granted and that an order of payment be made in the sum of £3444.27.

### **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.**



**Martin J. McAllister  
Legal Member  
9 August 2024**