



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016 (Act)**

**Chamber Ref: FTS/HPC/CV/24/1035**

**Re: Property at 18 Balfour Place, Carnoustie, DD7 7AH (“the Property”)**

**Parties:**

**Mrs Jane Waddell, 77 Carlogie Road, Carnoustie, DD7 6EX (“the Applicant”)**

**Mr Lemmy Milne, 18 Balfour Place, Carnoustie, DD7 7AH (“the Respondent”)**

**Tribunal Members:**

**Alan Strain (Legal Member) and David Fotheringham (Ordinary 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 be granted in the sum of £5,820.**

The Tribunal had regard to the following documents:

1. Application dated 1 March 2024;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 1 February 2023;
3. Pre-Action Requirements correspondence;
4. Rent Arrears Statement as at 1 March 2024;
5. Service of Tribunal CMD Notification on the Respondent by Sheriff Officer on 5 July 2024.

**Case Management Discussion (CMD)**

The case called for a CMD by conference call on 13 August 2024. The Applicant participated. The Respondent did not participate and was not represented.

The Tribunal delayed the start of the CMD to see if the Respondent would participate but they did not.

The Tribunal were satisfied that the Respondent had received notification of the Case Management Discussion and that the Tribunal could determine the matter if it considered it had sufficient information to do so and the procedure was fair. The notification also advised the Respondent that he should attend and the Tribunal could determine the matter in absence if he did not.

The Applicant confirmed that the current arrears were £8,880 but she was only seeking an order for the amount of £5,820 which had been notified to the Respondent.

The Tribunal then considered the oral and documentary evidence it had received. In so far as material the Tribunal made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 1 February 2023;
2. The monthly rent was £510;
3. As at the date of the application the amounts of rental arrears was £5,820;
4. As at the date of the CMD the Respondent was £8,880 in arrears.

### **Decision and Reasons**

The Tribunal was satisfied that in the circumstances the Applicant was due the outstanding rent from the Respondent and granted the order sought in the amount of £5,820.

### **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.**

Alan Strain

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**Legal Member/Chair**

**13 August 2024**

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**Date**