



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/24/1056

Re: Property at 274c Blackness Road, Dundee, DD2 1RW (“the Property”)

Parties:

Beog Developments Ltd, 12 Fairfield Road, Broughty Ferry, Dundee, DD5 1PL (“the Applicant”)

Mr Darren James Somerville, 274c Blackness Road, Dundee, DD2 1RW (“the Respondent”)

Tribunal Members:

Martin McAllister (Legal Member) and Ann Moore (Ordinary Member) (“the tribunal”)

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 ONE THOUSAND TWO HUNDRED AND FORTY THREE POUNDS TWENTY FIVE PENCE (£1243.25) to the Applicant.

Background

1. On 11 April 2024, the Applicant’s agents submitted an application to the First-tier Tribunal for Scotland seeking an order of payment.
2. On 3 May 2024, the application was accepted for determination by the Tribunal.
3. A case management discussion was held by audio conference on 29 August 2024.

Preliminary Matters

4. Ms Melissa Coleman of Struan Baptie Property Management represented the Applicant.
5. 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 30 July 2024.
6. The Legal Member explained the purpose of a case management discussion.
7. Ms Coleman referred the tribunal to an updated rent statement which had been submitted to the Tribunal on 13 August 2024. It showed that the current level of rent arrears is £1578.08.
8. Ms Coleman sought to amend the sum being sought to £1578.08 in substitution for the sum of £1243.25 contained in the application. The amendment sought was in terms of Rule 14 A of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.
9. Ms Coleman was referred to the terms of Rule 14A which states that any amendment to an application requires to be intimated to the Respondent at least fourteen days prior to the case management discussion. Ms Coleman conceded that this had not been done. She withdrew her submission to amend the application.
10. Miss Coleman said that the Applicant had submitted all the evidence it had in support of its application.

11. Documents before the tribunal

12.1 Private Residential Tenancy Agreement dated 15 November 2021 between the Applicant and the Respondent showing the start date of the tenancy to be 26 November 2021 and the monthly rent to be £525.

12.2 Rent statement dated 1 August 2024 showing the arrears of rent to be £1587.08.

11.3 Exchange of emails between the Applicant's agents and the Respondent.

12. Findings in Fact

- (i) The Applicant and the Respondent entered into a private residential tenancy agreement in respect of the Property on 15 November 2021.
- (ii) The tenancy commenced on 26 November 2021.
- (iii) The initial monthly rent due under the private residential tenancy was £525.
- (iv) The rent arrears at 11 April 2024 were £1243.25.

(v) The rent arrears at 1 August 2024 were £1578.08

Oral Evidence

13. Ms Coleman said that the rent statement was self evident. She said that it shows that the Respondent has been in arrears of rent since March 2022. She said that efforts had been made to have the Respondent pay the arrears and that the documentation submitted with the application shows that the Respondent had not engaged with efforts to address the rent arrears.

14. Ms Coleman said that the rent arrears amounted to £1243.25 when the application had been submitted and that, at 1 August 2024, they had been £15708. No payment had been received since 1 August 2024.

Reasons for Decision

15. The tribunal accepted the written evidence and the representations of Ms Coleman. It 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 he 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 £1243.25.

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
29 August 2024**