



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)  
Act 2014**

**Chamber Ref: FTS/HPC/CV/24/1726**

**Re: Property at 71c Sandeman Street, Dundee, DD3 7LB (“the Property”)**

**Parties:**

**Mr George Nicoll, 277 Clepington Road, Dundee, DD3 7UE (“the Applicant”)**

**Miss Shona Alcorn, 71c Sandeman Street, Dundee, DD3 7LB (“the  
Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that the order for payment is granted to the amount of  
£2520 (TWO THOUSAND FIVE HUNDRED AND TWENTY POUNDS).**

**Background**

1. This is an application in terms of Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). The Applicant is seeking an order for payment of the sum of £2520 (TWO THOUSAND FIVE HUNDRED AND TWENTY POUNDS) in terms of s16 of the Housing (Scotland) Act 2014.
2. On 22<sup>nd</sup> August 2024, all parties were written to with the date for the Case Management Discussion (“CMD”) of 2<sup>nd</sup> October 2024 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 12<sup>th</sup> September 2024.

3. On 23<sup>rd</sup> August 2024, sheriff officers served the letter with notice of the CMD date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 23<sup>rd</sup> August 2024.

#### Case Management Discussion

4. A CMD was held on 2<sup>nd</sup> October 2024 at 2pm by teleconferencing. The Applicant was present and represented himself. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make representations in advance of the CMD.
5. The Applicant told the Tribunal that he had sold the Property. He could no longer afford to continued to be a landlord when he was not receiving any rent payments. He only rented that property. He is no longer a landlord and has removed himself from the landlord register.
6. The Applicant said that the Respondent had been a good tenant who paid regularly until she changed jobs. He has had no contact from her. There has been no offer of payments. He has not contacted her since he raised the proceeding in case it jeopardised it in any way.
7. The Applicant said that he had £450 taken from the sale of the Property to reflect his claim on the January rent. This meant that he has a claim on the rent for the whole month of January 2024.
8. The Tribunal noted that the sum of the arrears due was incorrect. The amount paid for 2023 was £5400 but only £3230 was paid. This totals £2170. The further £450 means that the amount due was actually £2620. However, that amount cannot be increased at this point as the Respondent needs be notified of the change. The Applicant can submit a new application for the remaining amount if he wishes to do so. He did not realise the amount was incorrect and is content to proceed with the amount he applied for in the application.
9. The Tribunal was content to grant the order as sought.

#### Findings in fact and reasons

10. The parties entered into a Short Assured Tenancy with the commencement of the tenancy on 6<sup>th</sup> May an AT5 was signed by both parties on the same date as the lease. The rent payments of £450 were due each month.
11. The Applicant sold the Property with the Respondent as a sitting tenant on 7<sup>th</sup> January 2024.
12. The Respondent failed to maintain the rent payments.
13. The arrears due to the Applicant amounts to £2520.

#### Decision

14. The Applicant is entitled to an order of payment of £2520 by the Respondent. The Order was granted against the Respondent.

## 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.

# Gabrielle Miller

2 October 2024

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Legal Member/Chair

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Date