



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

Chamber Ref: FTS/HPC/CV/24/1810

Re: Property at 14G Keptie Street, Arbroath, DD11 1RG (“the Property”)

Parties:

Discovery Estates No2 Limited, 165 Brook Street, Broughty Ferry, Dundee, DD5 1DJ (“the Applicant”)

Miss Leigh Hamilton, Mark Edwards, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for payment in the sum of SEVEN THOUSAND EIGHT HUNDRED AND TWENTY-FIVE POUNDS (£7825.00)

Background

1. By application dated 22 April 2024 the applicant seeks an order for payment in respect of rent arrears.
2. The applicant lodged the following documents with the application:
 - Copy tenancy agreement
 - Rent accounts for the duration of the tenancy
3. By email dated 4 September 2024 the applicant sought to increase the sum sought to £7825 to reflect the increased level of rent arrears.

Case management discussion (“cmd”) – teleconference – 10 June 2024

4. The applicant was represented by Mr Lawson, solicitor, MML Law. The respondents were not present or represented. The Tribunal was satisfied that the respondents had received proper notice of the cmd and proceeded with the cmd in their absence in terms of rule 29.
5. The applicant sought an order for payment in the sum of £7825. The lease which had been lodged had a commencement date of 25 January 2023 and showed that the monthly rent due was £595. Rent accounts had been lodged which spanned the period from the commencement of the tenancy to 25 July 2024. These showed the rent arrears as at 25 July 2024 to be £7825.
6. Mr Lawson stated that no rent had been received since September 2023.
7. Mr Lawson confirmed that the respondents had moved out of the property in August 2024.

Findings in fact

1. Parties entered into a tenancy agreement with a commencement date of 25 January 2023.
2. Monthly rent due in terms of the agreement was £595.
3. Arrears as at 25 July 2024 amounted to £7825.
4. The respondents have not made any payments towards the rent or arrears since September 2023.

Reasons for the decision

5. The Tribunal had regard to the application and the documents lodged by the applicant.
6. The Tribunal took into account that the respondents had not lodged any defence to the application or disputed the sum sought in any way.
7. The Tribunal was satisfied that the request to amend the sum sued for had been made in compliance with rule 14A and allowed the requested amendment. The Tribunal was satisfied that arrears in the amount of £7825 were lawfully due as at the date of the cmd.

Decision

The Tribunal determined to grant an order for payment in the sum of £7825.

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.

Mary-Claire Kelly

Legal Member/Chair

Date: 7th September 2024