



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/24/1359

Re: Property at 33C Douglas Road, Dundee, DD4 7SN (“the Property”)

Parties:

Mr Barry Gray, 76E Kemnay Gardens, Dundee, DD4 7TU (“the Applicant”)

Mr Sean Meldrum, 33C Douglas Road, Dundee, DD4 7SN (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member) and Helen Barclay (Ordinary 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 EIGHT THOUSAND SIX HUNDRED POUNDS (£8,600) with interest thereon at the rate of 5% per annum from the date of this decision.

Background

1. By application dated 12 March 2024 the applicant seeks an order for payment in respect of rent arrears. This application was conjoined with application reference FTS/HPC/EV/24/1232 in terms of which the applicant seeks an order for eviction relying on ground 1 (landlord intends to sell) in schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016.
2. The applicant lodged the following documents with the application:
 - Copy tenancy agreement.
 - Rent accounts for the duration of the tenancy.

Case management discussion (“cmd”) – teleconference – 20 September 2024

1. The applicant was present with his representative, Mr Davidson from Martin & Co letting agents. The respondent was not present or represented. The Tribunal was satisfied that the respondent had received proper notice of the cmd and proceeded with the cmd in their absence in terms of rule 29.
2. The applicant sought an order for payment in the sum of £8600. The lease which had been lodged had a commencement date of 1 June 2021 and showed that the monthly rent due was £450. Rent accounts had been lodged which spanned the duration of the tenancy. These showed the rent arrears as at 1 March 2024 to be £8,600. Mr Davidson referred to updated rent accounts which had been lodged on 9 September 2024 which showed that arrears had further increased to £11,300 since the application had been lodged. Mr Davidson sought an order for payment with interest on the outstanding amount.
3. Mr Davidson stated that no rent had been received since February 2023.
4. Mr Davidson advised that due to the high level of rent arrears the applicant had fallen into arrears on his mortgage over the property. The applicant’s lenders had now taken action due to mortgage arrears, obtaining an order for repossession on 6 July 2023.

Findings in fact

5. Parties entered into a tenancy agreement with a commencement date of 1 June 2021.
6. Monthly rent due in terms of the agreement was £450.
7. Arrears as at 1 March 2024 amounted to £8600.
8. The respondent has not made any payments towards the rent or arrears since February 2023.

Reasons for the decision

1. The Tribunal had regard to the application and the documents lodged by the applicant and the oral representations at the cmd.
2. The Tribunal took into account that the respondent had not lodged any defence to the application or disputed the sum sought in any way.

3. The Tribunal found the applicant and his representative to be credible and had no reason to doubt the information they provided to the Tribunal regarding the rent arrears due.
4. The Tribunal determined that arrears in the sum of £8,600 were lawfully due.
5. The Tribunal awarded interest at the rate of 5% from the date of the decision in terms of rule 41A.

Decision

The Tribunal determined to grant an order for payment in the sum of £8,600 with interest at the rate of 5% from the date of the decision.

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

20 September 2024
Date