



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) in terms of Rule 17(4) of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) in respect of an application under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) and Rule 111 of the Rules

Chamber Ref: FTS/HPC/EV/24/2354

Re: 7 Hill Street, Montrose, DD10 8AY (“the Property”)

Parties:

Tarragon Properties Ltd having a place of business at 62, New Wynd, Montrose, Angus, DD10 8RF (“the Applicant”) per their agents, MML Law, Meadowplace Buildings, Bell Street, Dundee (“the Applicant’s Agents”)

Mr Stephen Hart residing at 7 Hill Street, Montrose, DD10 8AY (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted a Payment Order for the Sum of FOUR THOUSAND EIGHT HUNDRED AND FORTY POUNDS (£4,840.00) Sterling

Background

1. By application received on 22 May 2024, the Applicant’s Agents on behalf of the Applicant applied to the Tribunal for a payment order requiring the Respondent to make payment of all outstanding rent due by him.
1. The Application erroneously stated the name of the Respondent as “Stephen Hill” and comprised the following:

- i) copy private residential tenancy agreement between Stephen Hart and the Applicant dated 15 November 2022 showing a monthly rent of £440.00;
 - ii) copy rent statement showing arrears of £3,080.00 due and owing at 15 May 2024 and with no payments received since October 2023;
 - iii) pre-action requirement letters sent to the Stephen Hart and his replies.
2. The Application was accepted by the Tribunal Chamber and a Case Management Discussion (the "CMD") was fixed for 15 October 2024 at 10.00 by telephone conference. The CMD was intimated to both Parties, and, in particular, was intimated to Stephen Hill known as Stephen Hart, by Sheriff Officer service on 13 September 2024. The Application was then formally amended to show the Respondent as Stephen Hart.
 3. Prior to the CMD, the Applicant's Agents submitted an updated rent statement showing that arrears of £4,840.00 due and owing as at 15 September 2024.

CMD

4. The CMD took place on 15 October 2024 at 10.00 by telephone. The Applicant was not present and was represented by Mr. Lawson of the Applicant's Agents. The Respondent was not present and was not represented. He did not submit written representations.
5. Mr. Lawson confirmed that the Applicant sought an eviction Order. He advised that there had been no contact from the Respondent since the Notice to Leave was issued and no payments had been made since October 2023 and so the sum due stands at £4,840.00

Findings in Fact

6. From the Application and the CMD, the Tribunal made the following findings in fact: -
 - i) There is a private residential tenancy of the Property between the Parties commencing on 15 November 2022;
 - ii) The monthly rent is £440.00;
 - iii) There were rent arrears of £3,080.00 at May 2024 due and owing to the Applicant, when the Application was raised;
 - iv) The rent now due and owing amounts to £4,840.00 and the Application was amended to reflect this sum;
 - v) The Respondent has not made any payments in respect of rent since October 2023;
 - vi) Offers by the Respondent to make payment have not been fulfilled.

Decision and reasons for the decision

7. The Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal “may do anything at a case management discussionincluding making a decision” Having found in fact that the Respondent is due and owing to the Applicant for the sum of £4,840.00, the Application being amended to seek payment of this sum, the Tribunal proceeded to make an order for payment of £4,840.00.
8. This Decision is unanimous.

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.

Karen Moore

Legal Member/Chair

15 October 2024
Date