



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/24/2792

Re: Property at 1/1 4 Park Avenue, Dundee, DD4 6PW (“the Property”)

Parties:

Area Estates Limited, Hamways House, 104 Station Road East, OXTED, Surrey, RH8 0QA (“the Applicant”)

Mr Fraser Torrance, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order against the Respondent for payment to the Applicant of the sum of Thirteen Thousand Two Hundred and Ninety Three Pounds and Fifty Pence (£13,293.50)

Introduction

This is an application under rule 111 and section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.

Lawful service of the proceedings and intimation of the Case Management Discussion (‘CMD’) was effected upon the Respondent by way of service by advertisement on the Chamber website.

The CMD took place by teleconference on 25 November 2024 at 2.00 pm. The applicant was represented by Mr Gary Ellingford of MML Law Solicitors. The respondent failed to participate in the hearing.

Findings and Reasons

The property is 1/1, 4 Park Avenue, Dundee DD4 6PW. The applicant is Area Estates Limited who is the heritable proprietor and registered landlord of the property. The respondent is Mr Fraser Torrance who is the former tenant.

The parties entered into a private residential tenancy which commenced on 15 February 2021. The rent was agreed at £450 per month. Throughout the duration of the tenancy the respondent fell into significant arrears of the contractual rental payments.

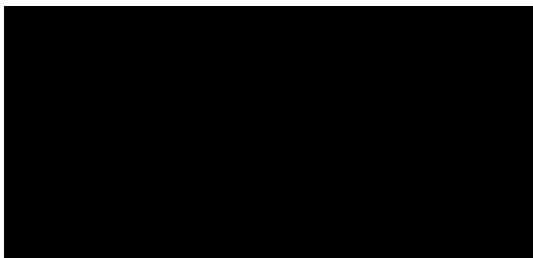
The application is supported by a detailed account statement disclosing the sums of rent which fell due and the monies received. The tribunal found this unchallenged documentary evidence credible and reliable and attached weight to it.

The amount sought in this application is £13,293.50 which is supported by the said rent statement.

The applicant is entitled to recover arrears of rent under and in terms of the lease. The respondent has made no proposals for payment and the application against him is necessary. He has not opposed the application and has made no application for a time to pay direction.

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.



25 November 2024

Date