



**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 (“the 2016 Act”)**

**Chamber Ref: FTS/HPC/CV/24/4106**

**Re: Property at 1/L 585 South Road, Dundee, DD2 4LY (“the Property”)**

**Parties:**

**Piperdam Ltd, C/O Beat the Banks, 1st Floor, 87 Commercial Street, Dundee (“the Applicant”)**

**Miss Melissa Keenan, 9E Dunholm Road, Dundee, DD2 4NQ (“the Respondent”)**

**Tribunal Members:**

**Ruth O'Hare (Legal Member)**

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

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment in the sum of Three thousand, four hundred and sixty seven pounds and twenty two pence (£3,467.22) Sterling

**Background**

- 1 This is an application under Rule 111 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules” and section 71 of the 2016 Act. The Applicant sought a payment order against the Respondent in the sum of £2451.40 in respect of unpaid rent. A previous payment order had been granted by the Tribunal in respect of the same parties and same tenancy on 3 September 2024 under Chamber Reference FTS/HPC/CV/24/2135.
- 2 On 13 November 2024 the Applicant submitted an updated rent statement following the termination of the tenancy confirming arrears of £5912.02 as at 25 October 2024.

- 3 The application was referred to a case management discussion ("CMD") to take place by teleconference on 14 April 2025. Notification of the CMD was given to the parties under Rule 17(2) of the Rules. Said notification was served upon the Respondent by sheriff officers on 25 February 2025.
- 4 Both parties were invited to make written representations. No written representations were received in advance of the CMD.

### **The Case Management Discussion**

- 5 The CMD took place on 14 April 2025 by teleconference. Ms Louise Todd represented the Applicant. The Respondent did not join the call. The Tribunal delayed the start time before confirming that she had been given notice of the CMD under Rule 17(2) of the Rules. The Tribunal therefore determined to proceed in her absence.
- 6 The Tribunal had the following documents before it:-
  - (i) Form F application form;
  - (ii) Land Certificate ANG4190 confirming the Applicant to be the registered owner of the property;
  - (iii) Excerpt from the landlord register confirming the Applicant's landlord registration;
  - (iv) Tenancy agreement between the parties dated 3 and 5 March 2020; and
  - (v) Rent statement.
- 7 The Tribunal heard submissions from Ms Todd. She advised that a previous payment order had been granted by the Tribunal on 3 September 2024. The Applicant now sought the balance of arrears that had accrued since that date. Ms Todd confirmed that the arrears at the termination of the tenancy were £5912.02. Following deduction of the amount previously awarded by the Tribunal the outstanding balance was £3,467.22. The Applicant sought a payment order in that sum.

### **Findings in Fact**

- 8 The Applicant and Respondent entered into a tenancy agreement in respect of the property, which commenced on 6 March 2020.
- 9 The tenancy between the parties was a private residential tenancy as defined by section 1 of the 2016 Act.
- 10 In terms of Clause 8 of the said tenancy agreement the Respondent undertook to pay rent at the rate of £595 per calendar month.
- 11 The Applicant issued a rent increase notice to the Respondent on 3 April 2024 increasing the rent to £612.85 with effect from 5 July 2023. The Respondent did not object to the rent increase.

- 12 The tenancy between the parties ended on 25 October 2024.
- 13 As at the date of termination rent arrears in the sum of £5,912.02 were outstanding.
- 14 The Tribunal made a payment order against the Respondent in favour of the Applicant on 3 September 2024 in the sum of £2444.80.
- 15 The Respondent is therefore due to pay the sum of £3,467.22 to the Applicant. Despite repeated requests the Respondent has refused or delayed in doing so.

### **Reasons for Decision**

- 16 The Tribunal considered it could make relevant findings in fact and reach a decision on the application based on the application paperwork and the submissions from Ms Todd at the CMD. The Respondent had not sought to make any written representations to challenge any of the information provided by the Applicant, nor had she attended the CMD. There was therefore no requirement to fix a hearing as no disputed matters were identified.
- 17 The Tribunal was satisfied based on its findings in fact that the Respondent had accrued rent arrears in the sum of £3,467.22, and had refused or delayed in making payment of the sum due. The Tribunal therefore determined to make an order for payment in the sum of £3,467.22.

### **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.**

# Ruth O'Hare

**Legal Member/Chair**

**14 April 2025**

**Date**