



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 71 of Private Housing
(Tenancies) (Scotland) Act 2016**

Chamber Ref: FTS/HPC/CV/24/4700

Re: Property at 10A Market Street, Brechin, Angus, DD9 6BA (“the Property”)

Parties:

**Discovery Estates No 3 Ltd, 165 Brook Street, Broughty Ferry, Dundee, DD5 1DJ
 (“the Applicant”)**

**Ms Zoe Archibald, 10A Market Street, Brechin, Angus, DD9 6BA (“the
Respondent”)**

Tribunal Members:

Jim Bauld (Legal Member) and Mary Lyden (Ordinary Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that that an order should be granted for payment in the
sum of Eight thousand and six hundred pounds (£8,600.00).**

Background

1. By application dated 10 October 21024 the applicant sought an order under section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and in terms of rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.
2. On 17 December 2024 the application was accepted by the tribunal and referred for determination by the tribunal.
3. A Case Management Discussion (CMD) was set to take place on 21 May 2025 and appropriate intimation of that hearing was given to both parties. Service on the respondent was effected by sheriff officers on 11 March 2025.

4. The application was heard together with a conjoined application involving the same parties for an eviction order under tribunal reference FTS/HPC/CV/24/4699

The Case Management Discussion

5. The Case Management Discussion (CMD) took place on 5 May 2023 via telephone case conference. The applicant was represented by their solicitor, Mr Jay Lawson , MML Law, Dundee.. The Respondent did not take part.
6. The tribunal explained the purpose of the CMD and the powers available to the tribunal to determine matters.
7. The tribunal asked various questions of the applicant's solicitor with regard to the application.
8. He confirmed that he wished the order for payment to be made.

Findings in Fact

9. The Applicant is the registered owner of the property.
10. The Applicant and the Respondent, as respectively the landlord and tenant entered into a tenancy of the property which commenced on 20 November 2023.
11. The tenancy was a private residential tenancy in terms of the Act.
12. The agreed monthly rental was £600.
13. Arrears had started to accrue in November 2023 and at the date of the lodging of the application arrears amounted to £3,800
14. The amount of arrears at the date of the CMD was £8,600.
15. Appropriate accounting had been provided in respect of the outstanding rent with the application to the tribunal and by subsequent amendment.

Reasons for Decision

16. The tribunal accepted the unchallenged evidence of the applicant regarding the outstanding sums. The tribunal noted that the respondents had failed to engage with both the applicant and with the tribunal despite having ample opportunity to do so.
17. The tribunal also exercised the power within rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 and determined that a final order should be made at the CMD.

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.

Jim Bauld

Legal Member/Chair

Date: 29 May 2025