

Housing and Property Chamber
First-tier Tribunal for Scotland



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 (Act)

Chamber Ref: FTS/HPC/CV/24/2682

Re: Property at 77 Noran Avenue, DUNDEE, DD4 7LS (“the Property”)

Parties:

Mr James Horsburgh, Mrs Linda Horsburgh, 20B Dundee Road, Broughty Ferry, Dundee, DD5 1LX (“the Applicant”)

Mr Paul Blanchard, 77 Noran Avenue, Dundee, DD4 7LS (“the Respondent”)

Tribunal Members:

Alan Strain (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 an order for payment be granted in the sum of £11,312.

Background

This is an application under Rule 111 and section 71(1) of the Act for recovery of rent arrears.

The Tribunal had regard to the following documents:

1. Application received 30 May 2024;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 1 November 2023;
3. Rent Arrears Statement as at 1 June 2025;
4. Pre Action Correspondence;
5. CMD Note and Direction dated 1 November 2024;
6. Written Submissions from Applicant dated 29 March and 23 May 2025;
7. Royal Mail Track and Trace Receipt of Tribunal Hearing Notification on the Respondent dated 8 April 2025.

Hearing

Preliminary Matters

The case called for a Hearing by Webex videoconference on 12 June 2025. The Applicant (Mrs Horsburgh) participated and was supported by Mr Gavin Barton. The Respondent did not participate and was not represented.

The Tribunal were satisfied that the Respondent had received notification of the Hearing as he had signed for the Hearing Notification on 8 April 2025 which had been sent Recorded Delivery and the Tribunal had sight of the Royal Mail Track and Trace Receipt.

Upon enquiry the Tribunal were informed by the administration that the caseworker had tried to call the Respondent on his mobile yesterday without success.

The Tribunal decided that it was fair and reasonable to proceed in the Respondent's absence.

Evidence

The Tribunal accepted the documentary evidence lodged in advance by Mrs Horsburgh and also the written submissions lodged on 29 March and 23 May 2025.

This confirmed that the Respondent was in rental arrears as at 1 June 2025 in the sum of £11,312.

The Respondent had not provided any information despite having been directed by the Tribunal to do so by Direction of 1 November 2024.

Decision and Reasons

The Tribunal considered the documentary evidence it had received, Mrs Horsburgh's evidence and the submissions made. In so far as material the Tribunal made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 1 November 2023;
2. The monthly rent following rent was £680;
3. As at the date of the Hearing the Respondent was in arrears of rent in the amount of £11,312.

The Tribunal was satisfied that the amount of rental arrears had been established and that there was no valid reason for non-payment.

The Respondent had not provided any information to the Tribunal despite having been directed to do so.

The Tribunal granted the order sought.

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.



Legal Member/Chair

12 June 2025

Date