



**Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ('The Procedure Rules) in relation to an application for civil proceedings relative to a Private Residential Tenancy under Rule 111 of the Procedure Rules.**

**Chamber Ref: FTS/HPC/CV/25/0075**

**Re: 7C Hindmarsh Avenue, Dundee, DD3 7LX ('the Property')**

**Parties:**

**Ms Aileen Gavin residing at 16/4, Montagu Terrace, Edinburgh, EH3 5QR ("the Applicant")**

**Ms Jacqueline Anderson, Robertson Property Management Ltd, 76 East Dock Street, Dundee, DD1 3LH (The Applicant's Representative')**

**Danny Timmons, 7c Hindmarsh Avenue, Dundee, DD3 7LX ("The Respondent")**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal")**

**Tribunal Members: Jacqui Taylor (Legal Member) Elaine Munroe (Ordinary Member)**

## **Background**

1. The Applicant submitted an application to the Tribunal dated 8th January 2025 for payment of the sum of £2372 being rent arrears due by the Respondent. The application stated that the monthly rent of £556.50 has not been paid in full with arrears building from August 2023. The last payment received was for the sum of £200 on 7<sup>th</sup> October 2024. The Tenant has made no attempt to make any payments.

2. Documents lodged with the Tribunal were:-

- Private Residential Tenancy Agreement between the parties dated 16<sup>th</sup> November 2021.
- A rent statement for the period 19<sup>th</sup> November 2021 to 1<sup>st</sup> January 2025 showing arrears of £2372.
- Notice of Rent increase dated 1<sup>st</sup> April 2023. The notice stated that the rent would increase to £566.50 with effect from 1<sup>st</sup> August 2023.

3. By Notice of Acceptance by Joan Devine, Convener of the Tribunal, dated 10<sup>th</sup> March 2025 she intimated that he had decided to refer the application (which application paperwork comprises documents received between 8th January 2025 and 10<sup>th</sup> February 2025) to a Tribunal.

#### **4.The Case Management Discussion.**

This case called for a conference call Case management Discussion (CMD) at 10.00 on 16<sup>th</sup> July 2025.

The Applicant's Representative, attended. The Respondent did not attend and was not represented.

The Respondent had been served with a letter advising him of the CMD by Roger Ewen, Sheriff Officer, on 13<sup>th</sup> April 2025. The Tribunal were satisfied that the requirements of Tribunal Rule 29 had been complied with and continued with the CMD.

The Respondent had not provided any written representations.

Ms Anderson advised that the current arrears amount to £2907 and she asked the Tribunal to issue a payment order in the sum of £2372 being the outstanding rent as at 31<sup>st</sup> January 2025.

#### **5. Decision**

5.1 The Tribunal made the following findings in fact:

5.1.1 The Applicant is Landlord and heritable proprietor of the Property. The Title of the Property is ANG26261.

5.1.2 The Respondent is Tenant of the Property in terms of the lease between the parties.

5.1.3 The lease is a Private Residential Tenancy in terms of the Private Housing Tenancies (Scotland) Act 2016 ('The 2016 Act').

5.1.4 The commencement date of the lease was 1<sup>st</sup> December 2021.

5.1.5 The rent due in terms of the lease is £550 per month.

5.1.6 The rent was increased to £566.50 on 1<sup>st</sup> August 2023.

5.1.7 The rent arrears due by the Respondent was £2372 being the rent due to 31<sup>st</sup> January 2025.

5.2 The Tribunal determined that the Respondent is due to pay the Applicant the sum of £2372 in respect of outstanding rent as at 31<sup>st</sup> January 2025 and accordingly they issued an Order for Payment in this sum.

#### **6. 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.

Jacqui Taylor

..... Legal Member

16<sup>th</sup> July 2025