

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 (“the 2016 Act”)

Chamber Ref: FTS/HPC/CV/25/0875

Re: Property at 36 Helmsdale Drive, Dundee, DD3 0NH (“the Property”)

Parties:

Miss Maira Suhail Carim, House 94, Street 12, Cavalry Ground, Lahore, Pakistan (“the Applicant”)

Miss Gemma Hutchinson or Mullen, Mr Dean Thomas Mullen, 36 Helmsdale Drive, Dundee, DD3 0NH (“the Respondents”)

Tribunal Members:

Alastair Houston (Legal Member) and Janine Green (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment of £8000.00 be made in favour of the Applicant.

1. Background

- 1.1 This is an application under rule 109 of the Chamber Rules whereby the Applicant sought an eviction order in respect of the private residential tenancy between the parties. The application was conjoined with the application reference FTS/HPC/EV/25/0866. The application was accompanied by, amongst other things, copies of a rent statement and correspondence sent by the Applicant's representative to the Respondents.
- 1.2 No written representations by the Respondents had been received by the Tribunal in advance of the Case Management Discussion.

2. The Case Management Discussion

- 2.1 The Case Management Discussion took place on 14 July 2025 by teleconference. The Applicant attended personally and was represented by Miss Ilonka of Rollos Solicitors. The Respondents did not attend and were not represented.
- 2.2 The Applicant's representative confirmed that the applications were insisted upon and wished to proceed in the Respondents' absence. Given that intimation of the applications and Case Management Discussion had been given to them by sheriff officers, the Tribunal considered it appropriate to proceed in their absence as permitted by rule 29 of the Chamber Rules.
- 2.3 The Applicant's representative confirmed that the Respondents were to pay rent of £500.00 per month. At the time of the making of the applications, £8000.00 in rent had gone unpaid. As at the date of the Case Management Discussion, £10,500.00 in rent was outstanding. The Applicant's representative wished to amend the sum sought to that amount. No application to amend had previously been made.
- 2.4 Following a short adjournment to consider the applications, the Tribunal indicated that an order for payment of £8000.00 would be made.

3. Reasons For Decision

- 3.1 The Applicant's representative confirmed the rent payable by the Respondents. In the absence of any information to the contrary, the Tribunal considered there to be a contractual obligation upon the Respondents to make payment of £500.00 per month. They had failed to do so and £8000.00 was outstanding at the time the application was made.
- 3.2 Rule 14A of the Chamber Rules required an application to amend the sum sought be made no later than 14 days before the Case Management Discussion. No such application had been made. The Tribunal considered that the amount sought could therefore not be amended on the day of the Case Management Discussion.

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.



14 July 2025
Date