



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 70(1) of the Private Housing
Tenancies (Scotland) 2016**

Chamber Ref: FTS/HPC/CV/19/0512

Re: Property at Laurenstone, Westown, Errol, PH2 7SU (“the Property”)

Parties:

Mr Derek McLeod, c/o 45 King Street, Perth, PH2 8JB (“the Applicant”)

**Premier Properties Perth, 45 King Street, Perth, PH2 8JB (“the Applicant’s
Representative”)**

**Mr Dean Thomson, formerly residing at 30 Garvock Place, Dundee, DD3 9RQ
but whose whereabouts are unknown (“the Respondent”)**

Tribunal Members:

Ruth O'Hare (Legal Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined to make an order in the sum of Ten thousand three
hundred and forty three pounds.**

Background

- 1 By application dated 8 February 2019 the Applicant sought an order for payment of outstanding rent arrears against the Respondent. In support of the application the Applicant submitted the following documents:-
 - a. Tenancy Agreement between the Applicants and Respondent dated 28 January 2016;
 - b. Rent Account from 27 January 2016 to 8 February 2019
- 2 By Notice of Acceptance of Application dated 8 March 2019, the Legal Member with delegated powers of the Chamber President intimated that there

were no grounds for rejection of the application. A Case Management Discussion was therefore assigned for 25th April 2019.

- 3 The Tribunal subsequently attempted to serve notice of the Case Management Discussion together with the application paperwork upon the Respondent by Sheriff Officers who attended an address at 30 Garvock Place, Dundee. It transpired that this was the Respondent's parents' address. Sheriff Officers spoke with the Respondent's father who declined to provide any information. Accordingly Sheriff Officers were unable to serve the papers upon the Respondent. As a result the First-tier Tribunal arranged for service to be effected by advertisement on the website in accordance with Rule 6A of the Procedural Rules as amended. Service was carried out during the period 8 May 2019 and 13 June 2019.

The Case Management Discussion

- 4 The Case Management Discussion took place at Caledonian House, Dundee on 13th June 2019. Ms Ashleigh McIntosh on behalf of the Applicant's Representative was present. Neither the Applicant nor the Respondent was present.
- 5 Ms McIntosh confirmed that the Applicant sought an order for payment in the sum of £10,343. She advised that having regard to the deductions on the rent statement, the tenancy had terminated on the 15th October 2018.

Findings in Fact

- 6 The Applicants entered into a Tenancy Agreement with the Respondent dated 28th January 2016 in respect of the Property.
- 7 In terms of Clause 3 of the Tenancy Agreement the Respondent undertook to pay rent at the rate of £900 per month.
- 8 The tenancy between the parties was terminated on 15th October 2018. As at the date of termination rent arrears in the sum of £10,343 were outstanding.
- 9 The Respondent is liable for payment of the outstanding arrears in terms of Clause 3 of the said Tenancy Agreement.

Reasons for Decision

- 10 Having considered the verbal and written representations from the Applicants the Tribunal was satisfied at the Case Management Discussion that it was able to make sufficient findings to determine the case without a hearing and that to do so would not be prejudicial to the interests of the parties. The Tribunal was satisfied that the Respondent had received proper and reasonable notification of the Case Management Discussion by virtue of service by advertisement on the Tribunal website. The Tribunal further noted

that an email had been sent to the Respondent advising him of this. He had not sought to dispute the terms of the application and had not taken the opportunity to attend the Case Management Discussion.

- 11 The Tribunal accepted based on its findings in fact that the sum of £10,343 is lawfully due by the Respondent by virtue of the terms of the Tenancy Agreement between the parties and the rent statement produced by the Applicant. The submissions put forward by the Applicant's Representative were entirely credible and the Respondent had not sought to counter same.
- 12 The Tribunal therefore determined to make an order for payment in the sum of £10,343.

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

13/6/19
Date