



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)  
Act 2014**

**Chamber Ref: FTS/HPC/CV/19/1078**

**Re: Property at 13a, Keats Place, Dundee, DD3 6QH (“the Property”)**

**Parties:**

**Miss Ying Ying Jessie Zhang, 42 Buie Brae, Kirkliston, EH29 9FB (“the Applicant”)**

**Mr James Iain Moran, 32 A12 Gardner Street, Dundee, DD3 6DR (“the Respondent”)**

**Tribunal Members:**

**Jan A Todd (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be granted and an order for payment of the sum of £2,355.07 be granted.**

- **Background**

This was a Case Management Discussion to consider the application made by the Applicant for an order for payment of rent arrears alleged to have amounted to £2,355.07 by the Respondent during his time as tenant of the Property.

The application was submitted to the First Tier Tribunal for Scotland on 8<sup>th</sup> April 2019 and was submitted along with letter of authority for the Agent to act for the Applicant; rent statement showing the sum of £2,355.07 outstanding as at 22<sup>nd</sup> February 2019; various copy e-mails between the Respondent and Struan Baptie Management Agents discussing payment of rent arrears.

The first scheduled CMD for the 14<sup>th</sup> June 2019 had been cancelled as sheriff officers reported that the Respondent was no longer living at the address submitted on the Application. As the Respondents address is now unknown the application and intimation of today's CMD was then served on the Respondent by advertisement on the Housing and Property Tribunal's website on 6<sup>th</sup> June 2019, all in terms of Rule 6A of The First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (the Regulations).

The Applicant submitted, following a direction from the Convener, a copy of the Private Rented Tenancy between the Applicant and the Respondent which confirmed that the rent due was £450 per month payable on the 30<sup>th</sup> of each month in advance.

The Applicant's agent also confirmed in writing by e-mail dated 25<sup>th</sup> June that the deposit had been reclaimed for repairs and cleaning once the property had been emptied.

- The Case Management Discussion was held at Caledonian House in Dundee and was meant to start at 10am however the Applicant's agent, Ms Melissa Coleman of Struan Baptie Management Agents, appeared late due to an error in the diarising of the case for which Ms Coleman apologised. There was no appearance or any written representations by the Respondent. Ms Coleman confirmed that the rent outstanding remains at £2355.07 as set out in the rent statement lodged with the application. She clarified that the sum credited on 25<sup>th</sup> February 2019 of £94.93 was a credit by the Landlord for the remainder of the month of February as the Respondent vacated the property on 22<sup>nd</sup> February. The Rent statement shows sporadic payment of rent since the start of the lease in April 2018.
- Findings in Fact
  1. The parties entered into a lease of the Property commencing on 30<sup>th</sup> March 2018, whereby the Respondent tenanted the Property from the Applicant who is the Landlord.
  2. The Rent payable is £450 per month starting on 30<sup>th</sup> March 2018.
  3. The Tenancy ended on 22<sup>nd</sup> February 2019 when the Respondent vacated the property.
  4. The sums due from 30<sup>th</sup> May 2018, when the arrears started until 22<sup>nd</sup> February 2019 when the tenancy came to an end are £4050.
  5. The Sums paid by the Respondent for the period of the tenancy from 30<sup>th</sup> May 2018 to 22<sup>nd</sup> February 2019 are £1600. In addition the sum of £94.93 has been credited by the Applicant for the balance of rent due from 22<sup>nd</sup> February to the 28<sup>th</sup> February.
  6. The Deposit paid at the commencement of the tenancy has been applied by the Applicant to repairs and cleaning and is not available to be applied to rent arrears.
  7. The Sums outstanding are £2355.07 and have not yet been paid by the Respondent.
- Reasons for Decision

The Respondent having been due to pay rent to the Respondent up to and including 22<sup>nd</sup> February 2019 at £450 per month and having incurred arrears of £2355.07 the said sum applied for is due and owing to the Respondent.

### **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.**

Jan A Todd

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**Legal Member/Chair**

18 July 2019

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**Date**