



**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/18/1906

Re: Property at 54 Coniston Terrace, Dundee, DD3 0AH (“the Property”)

Parties:

Robert Paul Allan, Bank House, Stirling Street, Dundee, DD3 6PJ (“the Applicant”)

Lara Letting, Bank House, Stirling Street, Dundee, DD3 6PJ (“the Applicant’s Representative”)

Miss Shannen Gowans, 54 Coniston Terrace, Dundee, DD3 0AH (“the Respondent”)

Tribunal Members:

Petra Hennig-McFatrige (Legal Member)

Decision in absence of the Respondent

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to payment by the Respondent of £2,691.32.

The Applicant is seeking an order for payment of rent arrears for the property. An application in terms of Rule 70 (Civil Proceedings) dated 24 July 2018 was lodged on 27 July 2018 with the Tribunal and the sum outstanding stated as £955 rent arrears as at 8 August 2018. A copy rental agreement and a rent statement up to 9 July 2018 were submitted with the application.

The Tribunal first fixed a Case Management Discussion (CMD) for 20 September 2018. Mr Alec Campbell from Lara Letting attended. There had been a problem with service of the notification to the Respondent and the case was adjourned to a further CMD. The CMD note of 20 September 2018 is referred to for its terms and held to be incorporated herein. A further CMD was fixed for 5 November 2018 which Mr Campbell attended on behalf of the Applicant. The papers served on the Respondent at the time had not included the original application and explanation of the claim.

Again the case had to be adjourned to a further CMD. The CMD note of 5 November 2018 is referred to for its terms and held to be incorporated herein. The Applicant's Representatives lodged an updated claim by email of 5 November 2018 for a total figure of £3,119.77.

Sheriff Officers served a letter from the Tribunal dated 7 November 2018 containing the notification of the Case Management Discussion on 17 December 2018, the case papers and notes referred to above and guidance that any representations had to be received by 30 November 2018 and that the Tribunal may make a decision at the CMD on the Respondent on 9 November 2018 and thus the required notice in terms of rule 17 of the rules of procedure (the rules) had been given.

On 17 December 2018 the case called for a further CMD. Mr Campbell was present for the Applicant's Representatives Lara Letting.

At the Case Management Discussion on 17 December 2018 the Respondent did not attend and no representations had been received from her.

Submissions at the Case Management Discussion:

The Applicant's Representative at the CMD asked for an order for payment for the sum of £2,691.32 and explained the updated calculation of outstanding arrears by providing an up to date statement showing that since the original application was lodged only two payments of £339.12 and £169.56 respectively had been made. This had led to a total shortfall up to and including the payment of rent due on 9 December 2018 of the sum of £2,691.32.

Mr Campbell explained that the order should be granted in the name of the property owner Mr Robert Paul Allan rather than the company Lara Letting as the tenancy agreement is in the name of Robert Paul Allan, who owns the property. The Respondent is aware of the identity of the landlord from the rental agreement and the Application.

The Respondent had not lodged a defence to the application and had made no representations.

Findings in Fact:

- 1. The Applicant and the Respondents entered into a Tenancy Agreement on 24 July 2014 with an initial end date on 24 January 2015.**
- 2. Lara Lettings were stated on the rental agreement as agents of the landlord Mr Robert Paul Allan.**
- 3. The Respondent remains resident in the property as at 17 December 2018.**
- 4. In terms of the Agreement rent of £450 is due in advance every calendar month.**
- 5. The total shortfall of rent as at 17 December 2018 is £2,691.32.**
- 6. The Respondent had been advised of the increase in the sum applied for by service of the papers including the figure stated in the email of 5 November 2018 and should be aware of the correct outstanding figure**

as no payments have been made by the Respondent towards the arrears.

Reasons for the Decision:

The Tribunal makes the decision on the basis of the written evidence lodged by the Applicant and the information given at the CMD by the Applicant's representative. There were no representations by the Respondent and thus there is no dispute about the facts of the case.

The rent outstanding up to and including 17 December 2018 based on the amounts paid as per the schedule lodged and the rent charge is £2,691.32. There was no valid defence to the action stated. It is not in dispute that the sum of arrears is due by the Respondent to the Applicant for said period.

The Tribunal was satisfied on the explanation of Mr Campbell at the CMD that the order should be granted in the name of landlord and Applicant as a person rather than Lara Lettings.

The Applicant is entitled to payment of the sum of £2,691.32 for outstanding rent arrears.

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.

Petra Hennig-McFtridge, Legal Member

Legal Member/Chair

17.12.18

Date