



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies)(Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/20/0042**

**Re: Property at Flat 5, 6 Annan Road, Dumfries (“the Property”)**

**Parties:**

**Estate of the late Dilbagh Singh Athwal, 4 Annan Road, Dumfries (“the Applicant”)**

**Kieran McClimonds, 44D Galloway Street, Dumfries DG2 7TH (“the Respondents”)**

**Tribunal Members:**

**John McHugh (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondents should be ordered to pay the sum of £1680 to the Applicant.**

**Background**

The Applicant holds the landlord's interest and the Respondent the tenant's interest under a private residential tenancy agreement dated 25 February 2019.

The Applicant claims that the sum of £1680 is currently outstanding by the Respondent to the Applicant in respect of unpaid rent.

**The Case Management Discussion**

A Case Management Discussion (“CMD”) took place by conference call on 13 August 2020. The Applicant was represented by Sandra Thom, letting agent. The

Respondent was neither present nor represented. The Tribunal was satisfied that notification of the hearing had been given to the Respondent. The Respondent has taken no part in any stage of the proceedings.

The Tribunal issued a Direction dated 16 April 2020 requiring the Applicant to produce certain information. The Applicant has provided the death certificate of Mr Athwal but no copy of the evidence of the appointment of the executors as ordered.

The Applicant had originally claimed the sum of rent outstanding at the time of the application of £1680, being four months at £420 each. The Applicant provided the Tribunal in response to the Direction with an updated rent payment schedule which was somewhat unclear regarding the outstanding balance but Ms Thom confirmed that £1680 was the correct amount and it is this amount which the Applicant requests the Tribunal orders the Respondent to pay.

### **Findings in Fact**

The Applicant holds the landlord's interest and the Respondent the tenant's interest under a private residential tenancy agreement dated 25 February 2019.

The Tenancy Agreement provides that rent is due at the rate of £420 per month.

The sum of £1680 is currently outstanding by the Respondent to the Applicant in respect of unpaid rent.

### **Reasons for Decision**

The Applicant has established that rent due under the tenancy agreement is unpaid to the extent of £1680. No counter argument has been presented and the Tribunal knows of none. The Decision will be issued in favour of the Estate of the Late Mr Athwal as no evidence as to the identity of the executor has been produced.

### **Decision**

The Respondents should be ordered to pay to the Applicant the sum of £1680.

### **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.**

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**John McHugh, Legal Member/Chair**

**13 August 2020**  
**Date**