

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/19/2148**

**Re: Property at 3 Lyon Street, Dundee, DD4 6RF (“the Property”)**

**Parties:**

**Ms Margaret Tosh, c/o 7 South Tay Street, Dundee, DD1 1NU (“the Applicant”)**

**Mr Liam Hansen, 3 Lyon Street, Dundee, DD4 6RF (“the Respondent”)**

**Tribunal Member:**

**Nicola Irvine (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order for payment against the Respondent in the sum of £7,026.60**

**Background**

The Applicant submitted an application seeking an order for payment in the sum of £7,026.60. That sum related to arrears of rent in respect of the Respondent’s tenancy of the property at 3 Lyon Street, Dundee. The Tribunal intimated the application to the parties by letter of 16<sup>th</sup> August 2019 and advised them of the date, time and place of today’s case management discussion. In that letter, the parties were also told that they required to attend the hearing and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair.

**The Case Management Discussion**

The Applicant was represented by Mr Neil Dymock. The case management discussion proceeded in the absence of the Respondent. Mr Dymock advised that the Respondent has not been in touch with his office for a couple of months. He

advised that the Respondent made contact with the Applicant and offered to make payment towards the rent arrears and to meet the ongoing monthly rent payments. However, Mr Dymock advised that in fact, the rent arrears have increased to £7,753.95. The Applicant sought an order for payment in the sum of £7,026.60.

### **Findings in Fact**

1. The Respondent entered into a Tenancy Agreement dated 10<sup>th</sup> January 2017. The period of the tenancy was from 10<sup>th</sup> January 2017 to 11<sup>th</sup> July 2017. Thereafter, the tenancy continued on a monthly basis.
2. The rent payable was £495 per month, payable in advance.
3. As at the date of presentation of the application, the rent arrears amounted to £7,026.60.
4. The Applicant is entitled to the Order sought for payment in the sum of £7,026.60.

### **Reason for Decision**

The Applicant has produced a rent statement which shows that the rent arrears amounted to £7,026.60 at the time the present application was presented. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Tribunal was satisfied that rent arrears are due by the Respondent and therefore granted the order for payment.

### **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.**

**Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.**

N. Irvine

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Legal Member/Chair

24<sup>th</sup> September 2019  
Date