

Housing and Property Chamber
First-tier Tribunal for Scotland



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/18/3441

Re: Property at 25B Gourdie Street, Dundee, Angus, DD2 4RL (“the Property”)

Parties:

Mr Kyle Connor, 3 Palmer Place, Birkhill, Dundee, Angus, DD2 5RB (“the Applicant”)

Miss Jacquelyn Harrington, Mr Andrew Lambe, 25B Gourdie Street, Dundee, Angus, DD2 4RL (“the Respondent”)

Tribunal Members:

Petra Hennig-McFatridge (Legal Member)

Decision in absence of the Respondent Jacquelyn Harrington.

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the payment order should be granted.

Background

The application was made for payment of £2,250 rent arrears for the period up to and including 1 December 2018. With the application the Applicant’s representatives had lodged a copy tenancy agreement, AT5 and Arrears/Credit statement for the property.

A Case Management Discussion had taken place on 19 March 2019 when the representative for the Respondents stated that there was no particular dispute as to the amount of the arrears but the matter was continued to today’s CMD alongside a conjoined eviction action.

The Hearing/Case Management Discussion

The Applicant was represented by Mullen of T C Young Solicitor. The Applicant did not attend. The Respondent Mr Lambe attended with their legal representative Sarah Wilson from Shelter. Ms Harrington did not attend.

For the Applicant Ms Mullen stated that the arrears had increased significantly since the application was made but her instructions were not to amend the sum stated in the application. Mr Lambe confirmed that the amount of rent arrears to 1 December 2018 of a total of £2,250 was not disputed. Whilst there appears to be a dispute over some funds due to the Applicant since, the Respondents do not dispute the arrears as stated in the application

There was no opposition for an order for that sum to be granted by the Tribunal. The conjoined eviction action will be dealt with separately following consideration of full legal submissions on the matter in due course. There was no opposition by the parties to have the civil action determined at the CMD.

Findings in Fact

1. The parties entered into a Short Assured Tenancy commencing 29 July 2016 (Clause 1.1)
2. In terms of Clause 2 of the Tenancy Agreement the rent was £750 per month payable by standing order on the last working day of each month.
3. As at 1 December 2018 the arrears of rent for the property were £2,250.
4. These arrears are still outstanding as at 3 May 2019

Reasons for Decision

The arrears were admitted by the Respondents and the application was not opposed. The Applicant is entitled to payment of arrears of rent accrued to 1 December 2018 of the amount of £2,250.

Decision

The Tribunal makes an order for payment by the Respondents to the Applicant for the sum of £2,250.

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.

P Hennig-McFatrige

Legal Member/Chair

7.5.19
Date