

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/19/3011

Re: Property at 25 Fintryside, Dundee, DD4 9JZ (“the Property”)

Parties:

Mr Euan Cumming, Mr Scott Cumming, 10 Balmossie Meadow, Dundee, DD5 3GG; 130 Hawick Drive, Dundee, DD4 0TD (“the Applicant”)

Ms Ashley Moncrieff, 81B Fintryside, Dundee, DD4 9ES (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that:

This Application called for a Case Management Discussion at 11:30 am on 19 December 2019 at Caledonian House, Greenmarket, Dundee. The Applicants were represented by Ms Morrison from TC Young Solicitors. There was no appearance by the Respondent. The Application and the details of today’s hearing were served on the Respondent by Sheriff Officers on 21 November 2019. The Tribunal was satisfied that as the Respondent had fair notice of today’s hearing it was appropriate to continue in her absence.

The Applicants seek a Payment Order for rent arrears in the sum of £3,500.00. A tenancy agreement between the parties was produced with the Application that provides for the Respondent to pay the Applicants contractual monthly rent of £500.00. The Applicants have also produced a rent statement detailing the rental sums said to be unpaid in the sum of £3,500.00. In the absence of any evidence or argument to the contrary, it appears that the Respondent owes the Applicants rent arrears of £3,500.00.

The Tribunal therefore granted the Application and made a Payment Order in the sum of £3,500.00. Ms Morrison did not ask for any interest to be added and so the Tribunal made no provision for interest in the Payment Order.

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.

Andrew McLaughlin

Legal Member/Chair

19/12/19

Date