



**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/19/3745

Re: Property at 89 MD Albert Street, Dundee, DD4 6PB (“the Property”)

Parties:

**Halls Homes International Limited, Princes Exchange, 1 Earl Grey Street,
Edinburgh, EH3 9EE (“the Applicant”)**

Miss Claire Lizanec, current whereabouts unknown (“the Respondent”)

Tribunal Members:

Shirley Evans (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent is in breach of the tenancy agreement with the Applicant and has failed to pay rent. The Tribunal accordingly has decided to make an order for payment in the sum of TEN THOUSAND SIX HUNDRED AND SEVENTY NINE POUNDS AND THIRTY SIX PENCE (£10 679.36) STERLING. The order for payment will be issued to the Applicant after expiry of 30 days mentioned below in the right of appeal section unless an application for recall, review or permission to appeal is lodged with the Tribunal by the Respondent.

Background

1. By application dated 13 November 2019 the Applicant’s agent applied to the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) for an order for payment of rent arrears under a Short Assured Tenancy.
2. On 19 December 2019, the Tribunal accepted the application under Rule 9 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”).

3. On 24 January 2020, by way of advertisement in terms of Rule 6A of the Regulations, the Respondent's current whereabouts being unknown to the Applicant, the Tribunal enclosed a copy of the application and invited the Respondent to make written representations to the application by 14 February 2020. The Tribunal advised the Respondent also by way of the advertisement and the Applicant on 24 January 2020 that a Case Management Discussion under Rule 17 of the Regulations would proceed on 28 February 2020. This paperwork was served on the Respondent by advertisement on the Tribunal's website and the certificate of execution of service was received by the Tribunal and signed by the Tribunal administration.
4. The Respondent did not make any written representations by 14 February 2020.

Case Management Discussion.

5. The Tribunal proceeded with the Case Management Discussion on 28 February 2020. The Applicant was represented by Mr May from Grant Property. He was accompanied by Mr Nawrot also from Grant Property as an observer. The Respondent did not appear and was not represented.
6. The Tribunal had before it a Short Assured Tenancy Agreement between Adam Hall and the Respondent signed and dated 3 August 2016 and a rent statement to 27 August 2019. The Tribunal also had a copy of Title Number ANG26680 in respect of the Property in the name of the Applicants.
7. Mr May asked the Tribunal to grant an order for payment of arrears of former rent of £10679.36. He explained that the Short Assured tenancy was in the name of Adam Hall who was a Director of the Applicants. Mr Hall had originally owned the Property when the Short Assured Tenancy was granted to the Respondent in August 2018 but that in November 2018 Mr Hall transferred the title to the Property into the name of Halls Homes International Limited.
8. Mr May explained that Grant Property had previously obtained an eviction order from the Tribunal in terms of which the tenancy had come to an end at or about 27 August 2019 as shown on the rent statement. They had secured £193.50 being the remainder of the deposit and applied this to the arrears. The remainder of the deposit had been applied to cover damage at the Property. He also explained that the Guarantor under the tenancy agreement

had paid £3585. The sum sought took both these figures into account as per the rent statement.

Findings in Fact

9. Adam Hall and the Respondent agreed by way of a Short Assured Tenancy Agreement dated 3 August 2016 in relation to the Property that he Respondent agreed to pay the Applicant a monthly rent of £1195. Mr Hall transferred the Property into the Applicant's name in November 2018. Mr Hall is a Director of the Applicants.
10. The tenancy had terminated on or about 27 August 2019 at which stage arrears were £10679.36 after the payment of the remainder of the tenancy deposit and the sum of £3585 from the Guarantor under the tenancy agreement.
11. The Respondent had made no payment to clear the arrears which are £10679.36.

Reasons for Decision

12. The Applicant's agent provided evidence of non-payment of rent in the form of the rent statement for the Property. The Tribunal was satisfied on the basis of the statement and the short assured tenancy agreement and the supporting oral submissions made by the Applicant that the Respondent is in arrears of rent in the amount sought in the application.

Decision

13. The Tribunal granted an order for payment of £10 679.36 against the Respondent.

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.

Shirley Évans

Legal Member/Chair

28 February 2020

Date