



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016.

Chamber Ref: FTS/HPC/CV/22/3023

Re: Property at 11 2L Park Avenue, Dundee, DD4 6PN (“the Property”)

Parties:

Mr James Murray Calder, 28 Mercer Court, Innerleithen, EH44 6QB (“the Applicant”)

Mr Darren Gordon, 11 2L Park Avenue, Dundee, DD4 6PN (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Jane Heppenstall (Ordinary Member)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) decided to grant the Application and made a Payment Order against the Respondent in the sum of £4,435.00.

Background

The Applicant seeks a Payment Order for rent arrears said to have been accrued by the Respondent under a tenancy between the parties.

The Application is accompanied by a copy of the tenancy agreement, a rent statement and email correspondence between the parties regarding the subject matter of the dispute. Prior to the Case Management Discussion, Dundee Law Centre had assumed agency for the Respondent and confirmed that they were only seeking clarification of the precise amount of the rent arrears.

The Case Management Discussion

The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 25 January 2023. The CMD called alongside a related Application in respect of

an Eviction Order between the parties. The Applicant was represented by Ms Hazel Young of Rockford Properties. Ms Falconer of Dundee Law Centre confirmed that she was instructed on behalf of the Respondent.

The Respondent accepted that the rent arrears were now in the sum of £4,435.00 and this is the sum sought in the Payment Order by the Applicant.

Having heard parties and considered the Application, the Tribunal made the following findings in fact.

- I. *The parties entered into a tenancy agreement whereby the Applicant let the Property to the Respondent on a Private Residential Tenancy that commenced on 1 January 2020;*
- II. *The tenancy agreement was in the name of the Respondent and his brother, Robert Gordon;*
- III. *The contractual monthly rent was £375.00 per month;*
- IV. *The Respondent fell into rent arrears and, as at today's date, the arrears of rent have increased to the sum of £4,435.00;*
- V. *The sum of £4,435.00 is lawfully due as arrears of rent by the Respondent to the Applicant but remains unpaid.*

Reasons for Decision

Having made the above findings in fact, the Tribunal decided to grant the Application and made a Payment Order in the sum of £4,435.00.

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

25 January 2023

Date