



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/CV/20/1323

Re: Property at 10E Baldovie Terrace, Dundee DD4 8TE (“the Property”)

Parties:

Robert Paul Allan, residing at 281 Perth Road, Dundee DD2 1JS (“the Applicant”)

Natasha Robertson or Mills, residing at 11c Fintry Crescent, Dundee (“the Respondent”)

Tribunal Members:

Paul Doyle (Legal Member)

Decision (in absence of the Respondent)

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

Background

The Applicant sought an order for payment of rental arrears totalling £4,298.00. The Applicant lodged Form F with the Tribunal on 20 March 2020. The documents produced were a Tenancy Agreement and schedule of unpaid rental. A copy title sheet was lodged with the Tribunal which showed that the applicant is the heritable proprietor of the Property.

Case Management Discussion

A case management discussion took place by telephone conference at 2.00pm on 12 October 2020. The Applicant was represented by Mr A Campbell of Lara Lettings. The hearing was delayed until 2.10pm to allow sufficient time for the respondent to join the telephone conference, but there was no appearance by or on behalf of the Respondent. Notification of the time, date and place of the hearing had been served on the respondent by Sheriff Officers on 14 September 2020.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement for the Property on 27 January 2017.
2. The period of the Lease was from 27 January 2017 to 26/07/2017 and thereafter on a bi-monthly basis. The respondent vacated the property in January 2020.
3. The initial rent in terms of the Tenancy Agreement was £475 per month.
4. The Respondent fell behind in rental payments in 2017, and throughout 2018 and 2019 arrears of rental increased. The respondent underpaid rental by £675.00 in 2017. The appellant amassed further arrears of rental of £850.00 in 2018 and amassed a further £2,773.00 of arrears of rental in 2019. When the respondent left the property, there were arrears of rental totalling £4,298.00.
5. On 03/02/2020 the applicant recovered £500 from the tenancy deposit paid at the start of the tenancy agreement. In January 2020 the respondent made a payment of £181.42. Those two payments reduced the arrears of rental to £3616.58. That sum remains due to the applicant by the respondent.

Reasons for the Decision

The Tribunal determined to make an Order for payment of £3616.58. Rent was lawfully due in terms of clause 6 of the Tenancy Agreement at the rate of £475.00 per month. Between 2017 and 2019 the tenant allowed arrears of rental to accumulate. At the date of application, there were arrears of rental totalling £4,298.00. At today's date there are still arrears of rental totalling £3616.58

Decision

For the foregoing reasons, the Tribunal determined to make an 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.

Paul Doyle

Legal Member

Date 12 October 2020