



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/20/2126

Re: Property at 26 Alastair Soutar Crescent, Invergowrie, Dundee, DD2 5BN (“the Property”)

Parties:

Mrs Maggie Mackintosh, 72 The Esplanade, Broughty Ferry, Dundee, DD5 2EP (“the Applicant”)

Miss Amy Alexandra Carmichael, 26 Alastair Soutar Crescent, Invergowrie, Dundee, DD2 5BN (“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:

Background

The Application is in respect of alleged rent arrears said to have been accrued by the Respondent under the terms of a Private Residential Tenancy between the parties. The Application initially sought a Payment Order in the sum of £3,875.00. The Application and details of today’s Case Management Discussion together with information about how to join the conference call were served on the Respondent by Sheriff Officers on 23 October 2020.

On 4 November 2020, the Applicant subsequently sought to amend the sum claimed to £4,500.00. The amendment application was intimated to the Respondent by the Tribunal by letter dated 5 November 2020. The original Application and the amendment request both were accompanied by rent statements in support of the substance of the Application.

The Case Management Discussion

The matter called for a Case Management Discussion by conference call at 10am on 24 November 2020. The Applicant was represented on the conference call by Mr Alan Smith of Sutherland Management (Dundee) Ltd. There was no appearance by or on behalf of the Respondent. Given that the Respondent had received fair notice of the Case Management Discussion, the Tribunal decided to proceed to hear the Application.

Findings in Fact

Having heard from Mr Smith, the Tribunal made the following findings in fact.

- I. *The parties entered into a Private Residential Tenancy with a start date of 15 May 2018.*
- II. *The Applicant was the landlord and the Respondent was the tenant.*
- III. *The monthly rent due by the Respondent to the Applicant under the terms of the tenancy was £650.00.*
- IV. *The Respondent fell into rent arrears.*
- V. *At the time of lodging the Application, the sum of £3,875.00 was lawfully due as rent by the Respondent to the Applicant.*
- VI. *At the date of today's Case Management Discussion, the sum of £4,500.00 is lawfully due for payment by the Respondent to the Applicant.*
- VII. *The Respondent has been called upon to make payment by the Applicant but has refused or delayed to do so.*

Decision

Having made the above findings in fact and having considered the Application and subsequent request to amend the sum claimed, The Tribunal determined to make a Payment Order in favour of the Applicant against the Respondent in the amended sum claimed of £4,500.00

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

24 November 2020

Legal Member/Chair

Date