



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

Chamber Ref: FTS/HPC/CV/20/2246

Re: Property at 49 Annan Road, Dumfries, DG1 3AE (“the Property”)

Parties:

Mrs Katherine Kerr, 103 Edinburgh Road, Dumfries, DG1 1JX (“the Applicant”)

Miss Lauren Geddes, 29 Dinwiddie Drive, Heathhall, Dumfries, DG1 3SN (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondent shall pay to the applicant the sum of three thousand four hundred and eleven pounds (£3411).

Background

1. This was a hearing regarding an application in terms of s71 of the Private Housing (Tenancies) (Scotland) Act 2016, ‘the Act’ and rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, ‘the rules’. The applicant attended. The respondent did not attend, and she was not represented. The respondent was represented at the case management discussion ‘CMD’ which took place on 17 December 2020. The CMD was adjourned to today’s date with directions.

2. It was agreed at the CMD that the parties entered into a private residential tenancy agreement 'PRT' on 9 March 2019. The agreed rent was £430, and the tenancy came to an end on 16 September 2020. The outstanding rent arrears for the property were £3411. What was an issue at the CMD was whether the respondent had legally withheld rent and whether she was entitled to any abatement of rent?
3. The respondent's solicitor wrote to the tribunal on 20 January 2021 and stated that the respondent wishes to withdraw her opposition to the claim and to consent to an order in relation to the rent arrears claimed.
4. The tribunal had before it the following copy documents:
 - (1) Application dated 23 October 2020.
 - (2) PRT dated 8 March 2019.
 - (3) Rent statement.
 - (4) Bank statements.
 - (5) Emails from applicant to respondent dated 17 February 2019, 4 November 2019, 2 April 2020 and 15 June 2020.
 - (6) Email from applicant to local authority dated 19 March 2020, 26 June 2020.
 - (7) Rent Deposit Guarantee Scheme Agreement and Inventory Form.
 - (8) Email to tribunal from respondent's solicitor dated 3 December 2020 with enclosures.
 - (9) Email to tribunal from applicant dated 14 January 2021 with enclosures.
 - (10) Email to tribunal from respondent's solicitor dated 20 January 2021.

5. Findings in fact

- (1) The applicant is the owner of the property.
- (2) The parties entered into a PRT on 8 March 2019 for let of the property.
- (3) The tenancy commenced on the 9 March 2019.
- (4) The agreed rent was £430 per month.
- (5) Arrears began to accrue in May 2019.
- (6) The arrears as at 16 September 2020 were £3411.
- (7) The tenancy came to an end on 16 September 2020.
- (8) The sum of £3411 remains outstanding.

6. Reasons

This is an undefended application to recover rent arrears arising out of a PRT. The respondent initially opposed the application, but she has withdrawn her

opposition. The rent arrears of £3411 were agreed at the CMD. The applicant has confirmed to the tribunal today that this sum remains outstanding. The respondent's solicitors' email of 20 January 2021 confirmed that the respondent consents to an order for the arrears. The tribunal was satisfied that it had sufficient information before it to make a decision and the procedure had been fair. The tribunal accordingly made an order for the sum of £3411.

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.

Lesley Ward

9 February 2021

Lesley A Ward Legal Member

Date