



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/21/0321

Re: Property at T/L, 12 Dundonald Street, Dundee, DD3 7PW (“the Property”)

Parties:

Mr Richard Bailey, 6 Castle Gogar Rigg, Edinburgh, EH12 9FP (“the Applicant”)

Ms Deborah Young, Kirnie, Whitelea Road, Burrelton, Blairgowrie, PH13 9NY (“the Respondent”)

Tribunal Members:

Andrew Upton (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 liable to make payment to the Applicant in the sum of ONE THOUSAND AND THIRTY FIVE POUNDS AND NINETY TWO PENCE (£1,035.92) STERLING

STATEMENT OF REASONS

1. This Application called for a Case Management Discussion by teleconference call on 2 June 2021. The Applicant participated in the call. The Respondent was neither present nor represented on the call.
2. This Application seeks payment from the Respondent of various sums allegedly due by her to the Applicant. The sum claimed was previously amended to £1,035.92, comprising the following:-
 - a. Rent arrears of £585.92;
 - b. Sheriff Officers’ fees of £288; and
 - c. Solicitors fees of £162.

3. The Applicant's position in this regard is straightforward. The arrears are due under a tenancy agreement between the parties, and represents a period not covered by a previous payment order in his favour. The sheriff officer and solicitor fees were costs incurred by the Applicant in seeking to evict the Respondent. Those costs were necessarily incurred as a consequence of the Respondent's failure to remove from the Property following the granting of an eviction order by the Tribunal.
4. The Respondent has been afforded an opportunity to appear at the CMD to dispute the Applicant's assertions in the Application and at the previous CMD on 20 April 2021. She has not taken up that opportunity. I therefore consider that the Applicant's assertions are not in dispute. I am satisfied therefore that the rent arrears claimed have fallen due for payment and have not been paid. Separately, I am satisfied that the Applicant has incurred costs in seeking the eviction of the Respondent as a consequence of her failure to remove from the Property let to her by the Applicant. As such, I consider that the Applicant is entitled to reparation for the costs incurred by him in procuring the Respondent's eviction.
5. Accordingly, I will grant a payment order in the sum of £1,035.92.

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 Upton

02/06/2021

Legal Member/Chair

Date