



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 and Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)

Chamber Ref: FTS/HPC/CV/21/0767

Re: Property at 606 Charleston Drive, Dundee, DD2 4AB (“the Property”)

Parties:

Mr Gerry Quinn, Mr Brian Smith, Mrs Jennifer Quinn, Mrs Sandra Smith, 10 Kerrington Crescent, Broughty Ferry, Dundee, DD5 2TN (“the Applicants”) per their agent The Property Management Company, 19, Castle Street, Tayport, Fife, DD6 9AE (“the Applicants’ Agent”)

Ms Rebecca Boath, 606 Charleston Drive, Dundee, DD2 4AB (“the Respondent”)

Tribunal Members:

Karen Moore (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 of TWO THOUSAND ONE HUNDRED AND FIFTEEN POUNDS AND SEVEN PENCE (£2,115.07) STERLING be granted.

Background

1. By application received on 25 March 2021 (“the Application”), the Applicant’s Representative on behalf of the Applicants made an application to the Tribunal for payment or rent due and owing amounting to £1,250.00 to 25 March 2021 and further rent due by the Respondent to the Applicants in terms of a private rented tenancy agreement between the Parties. The Application comprised an application form, a copy of private rented tenancy agreement between the Parties and a statement of rent due and owing.

2. On 6 April 2021, a legal member of the Tribunal with delegated powers of the Chamber President accepted the Application and a Case Management Discussion (“CMD”) was fixed for 14 May 2021 at 11.30 am by telephone conference call. The CMD was intimated to both parties.

Case Management Discussion (CMD)

3. The CMD took place on 14 May 2021 at 11.30 am by telephone conference call. The Applicants were not present and were represented by Mr. David Wilkie of the Applicants’ Agents. The Respondent was not present.
4. Mr. Wilkie advised the Tribunal that no further sums had been paid by the Respondent who vacated the Property on 5 May 2021 and that the sum due by her to that date had increased to £2,115.07, which is the sum sought.

Findings in Fact

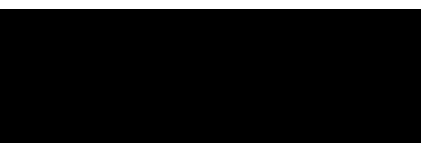
5. From the Application and the CMD, the Tribunal found the following facts to be established: -
 - i) There was a private residential tenancy agreement between the Parties in respect of which the monthly rent was £500.00;
 - ii) The Respondent underpaid the rent due from the end of 2020 until she vacated the Property on 5 May 2021;
 - iii) Rent of £2,115.07 due by the Respondent to the Applicants to 5 May 2021;

Decision and Reasons for Decision

6. Having found at the CMD that rent amounting to £2,115.07 is due and owing by the Respondent to the Applicants and having regard to Rule 17(4) of the Rules which states that the Tribunal “may do anything at a case management discussionincluding making a decision” , the Tribunal proceeded to make an order for payment in this sum.

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.



Legal Member: Karen Moore

Date: 14th May 2021