



**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/21/1130

**Re: Property at 63 GL Crescent Street, otherwise known as 63 A Crescent Street,
Dundee, DD4 6DT (“the Property”)**

Parties:

**Mr Alex Shanks, 15 Glamis Crescent, Inchtute, Perthshire, PH14 9QU (“the
Applicant”)**

**Ms Ogonna Kelechi Jane Topple, formerly residing at 63 GL Crescent Street
(otherwise known as 63 A Crescent Street) Dundee, DD4 6DT and whose
current whereabouts are unknown (“the Respondent”)**

Tribunal Members:

Fiona Watson (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order is granted against the Respondent for
payment of the undernoted sum to the Applicant(s):**

**Sum of ONE THOUSAND FIVE HUNDRED AND EIGHTY-NINE POUNDS AND
NINETY-NINE PENCE (£1,589.99) STERLING**

- Background
1. An application dated 11 May 2021 was submitted to the Tribunal under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondent in relation to rent arrears accrued under a short assured tenancy agreement.

- The Case Management Discussion

2. A Case Management Discussion (“CMD”) took place on 26 August 2021 by tele-conference. The Applicant was represented by their letting agent, Hazel Young of Rockford Properties. There was no appearance by or on behalf of the Respondent. Due to the Respondent’s current whereabouts being unknown, the application had been served by way of website advertisement between 22 July 2021 and 26 August 2021. The Tribunal was accordingly satisfied that the CMD could proceed in the Respondent’s absence.

3. The Applicant moved for the order for payment to be granted in the sum of £1,589.99. The parties had entered into a Short Assured Tenancy Agreement which commenced on 29 August 2018 and which ended on 12 March 2021. He monthly rent was £380. The Respondent had failed to make payment of rent and at termination of the tenancy the rent arrears amounted to £1,589.99. There had been no contact from the Respondent since termination of the tenancy and no payments made to the arrears.

- Findings in Fact

4. The Tribunal made the following findings in fact:

- (i) The parties entered into a Short Assured Tenancy Agreement (“the Agreement”) which commenced 29 August 2018;
- (ii) In terms of Clause 5 of the Agreement, the Respondent was obliged to pay a monthly rent of £380 to the Applicant;
- (iii) The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £1,589.99;
- (iv) The Agreement ended on 12 March 2021

- Reasons for Decision

5. The Tribunal was satisfied that the Applicant was entitled to the sum as sought. The Respondent was obliged to make payment of rent in the sum of £380 per month under Clause 5 of the Agreement and had failed to do so. They had accrued arrears amounting to £1,589.99 and which fell lawfully due to be repaid to the Applicant.

- Decision

6. The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent(s) for payment of the undernoted sum to the Applicant(s):

Sum of ONE THOUSAND FIVE HUNDRED AND EIGHTY-NINE POUNDS
AND NINETY-NINE PENCE (£1,589.99) STERLING

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.

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Legal Member/Chair

Date: 26 August 2021