



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/CV/21/1392

Re: Property at 3/1 47 Benvie Road, Dundee, DD2 2PB (“the Property”)

Parties:

Amanda Barnett, residing at 1B Nelson Street, Tayport, Fife, DD6 9DN (“the Applicant”)

Patrick Elujoba, residing at 3/1 47 Benvie Road, Dundee, DD2 2PB (“the Respondent”)

Tribunal Member:

Paul Doyle (Legal Member)

Decision (in absence of all parties)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be made.

Background

The Applicant sought an order for payment of rental arrears totalling £525.00. The Applicant had lodged with the Tribunal Form F. The documents produced were a Tenancy Agreement dated 16 July 2015, rent statements and a calculation of rental arrears. A copy title sheet was lodged with the Tribunal which showed that the applicant is the heritable proprietor of the Property.

Case Management Discussion

A Case Management Discussion took place before the Tribunal by telephone conference at 2pm on 2 August 2021. The applicant was represented by David Wilkie of The Property Management Company. The respondent was present but unrepresented.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement for the Property dated 16 July 2015.
2. The initial rent in terms of the Tenancy Agreement was £375 per month.
3. In April 2017 the Respondent fell into arrears of rental. The respondent regularly paid less than the agreed monthly rental, so that by 1 June 2021 rent arrears of £525.00 had accumulated.
4. Since the application was made, the respondent has made payments towards the arrears. Both parties agree that the respondent still owes the Applicant £475.00 in arrears of rental. The respondent is trying to clear those arrears of rental by increasing his monthly rental payment to £400.00, but he consistently makes his enhanced rental payments at the end of the month, when the due date for rental is the 16th day of each month.
5. The respondent agrees that he owes the applicant £475.00.

Reasons for the Decision

6. The Tribunal determined to make an Order for payment of £475.00. Rent was lawfully due in terms of clause 3 of the Tenancy Agreement at the rate of £375.00 per month. Rent arrears totalling £475.00 are admittedly due by the respondent to the applicant.

Decision

For the foregoing reasons, the Tribunal determined to make an Order for payment in the sum of £475.00.

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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.



Legal Member

Date 2 August 2021