



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/22/0136

Re: Property at 15 Bayview Road, Invergowrie, DD2 5AR (“the Property”)

Parties:

Mr Ewan MacDougal, 17 Wortley Place, Dundee, DD4 7HD (“the Applicant”)

Ms Laura Stewart, 10F Bayview Road, Invergowrie, DD2 5AR (“the Respondent”)

Tribunal Members:

Jan Todd (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 the sum of £1,491.62 be granted in favour of the Applicant from the Respondent.

- **Background**

1. This was the first case management discussion (CMD) in respect of an application by the Applicant dated 18th January 2022 for an order for payment of arrears of rent from the Respondent who is the Tenant in a Tenancy of the Property from the Applicant.

The following documents were lodged with the application:-

- A copy of the Tenancy Agreement dated 13th May 2020 between the Applicant as Landlord and the Respondent who is the Tenant commencing on 14th May 2020.
- Statement of rent arrears showing a sum outstanding as at 1st February 2022 of £1491.62.

- Report from DB investigations confirming the current address for Ms Laura Stewart the tenant.
- 2. The case management discussion (CMD) proceeded today by way of teleconference.
- 3. Service was validly affected on the Respondent by Service by Sheriff Officers who served the papers on the Respondent at her new address on 29th March 2022.

- **The Case Management Discussion**

1. The CMD took place by teleconferencing and the Legal Member waited 10 minutes until 11.40 to see if the Respondent was going to join the call. The Respondent did not join and was not represented at the CMD. The Respondent has not lodged any written submissions for the Tribunal to consider.
2. The legal member made introductions and explained the purpose and order of proceedings also advising that the Tribunal could make a decision after a CMD which it could after a hearing if satisfied it was appropriate to do so.
3. Ms Hazel Young from Rockford Properties attended as the Applicant's representative. The Applicant was not present on the call. The legal member considered it appropriate to continue with the CMD given that intimation had been given to the Respondent and she has not responded in writing or requested any postponement of today's CMD.
4. Ms Young advised that the Respondent had been a tenant in the Property from 14th May 2020 until the tenancy ended on 14th October 2021. She advised that the tenant was not always regular in her payments and left arrears when she left. The Applicant has successfully claimed the full deposit back of £640 and this has been applied to the arrears leaving a balance of £1491.62. Ms Young confirmed that she has tried to contact the Respondent by phone and e-mail but there has been no response and no contact from the Respondent. She also confirmed the Respondent did not explain why she had not paid the rent in full or settled the arrears.
5. Ms Young confirmed the Applicant was seeking an order for payment today for the sum set out in the application and rent statement as the full sums outstanding at the end of the tenancy.

Findings in Fact

1. The parties entered into a lease of the Property which commenced on 14th May 202 and ended on 14th October 2021.
2. The Applicant is the Landlord and the Respondent is the tenant in the tenancy.
3. The Rent due in terms of the lease was £565 per month.
4. The tenant was variable in her payments of rent and the sum outstanding when she left was £1,705.83.
5. The deposit of £640 was successfully claimed by the Applicant and put towards the outstanding rent.

6. The rent outstanding at the date of the application and now is £1,491.62 after deduction of the deposit.

- **Reasons for Decision**

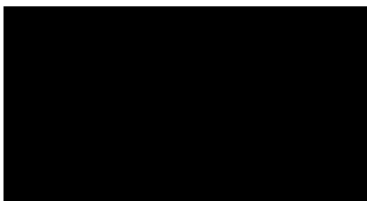
7. The parties have entered into a lease where the Respondent has leased the property from the Applicant and has agreed to pay £565 per month in rent.
8. The Respondent has failed to pay the full rent due. The tenancy ended on 14th October 2021 but she has made no offer to pay the arrears due nor has she made any representations to the Tribunal in response to this application. The Applicant has successfully claimed the full deposit of £640 and this has been put towards the rent outstanding leaving a balance due of £1,491.62.
9. The Tribunal accepts the written evidence and verbal statements made by the Applicant's representative, who the Tribunal found clear and credible in his evidence that the rent outstanding at the end of the tenancy on 14th October 2021 amounts to £1,491.62. In the absence of any representations from the Respondent the Tribunal finds it fair and appropriate to make an order for payment for that sum today.
10. There being no application for time to pay the Tribunal makes an order for payment of the sum claimed.

- **Decision**

An order for payment of the sum of £1,491.62 is granted.

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/Chair

5th May 2022

Date