

Housing and Property Chamber
First-tier Tribunal for Scotland



**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/22/0407

Re: Property at 137 Dunholm Road, Dundee, DD2 4SE (“the Property”)

Parties:

Mr Graeme Finlayson, 30 William Street, Tayport, Fife, DD6 9HN (“the Applicant”)

Miss Amber Louise Milne, Flat 3/2, 69 Keal Avenue, Glasgow, G15 6NZ (“the Respondent”)

Tribunal Members:

Melanie Barbour (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that it should grant an order for EVELEN THOUSAND AND NINETY POUNDS (£11,090.00) STERLING

Background

1. An application was made to the First Tier Tribunal for Scotland (Housing and Property Chamber) under Rule 70 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for payment of the sum of £11,090.00 to the Applicant in relation to rent arrears.
2. The application contained:-

- a copy of the tenancy agreement,
 - copy of eviction order, and
 - rental statement
3. The Applicant appeared. There was no appearance by the Respondent. Notice of the Hearing had been served on the Respondent by sheriff officers on 9 May 2022. As I was satisfied that there had been service of the application and notice of the case management discussion I was prepared to proceed with the hearing.

Discussion

4. The Applicant referred me to the papers which had been lodged in support of the application, including the tenancy agreement and rent account statement. This application related to unpaid rent due in terms of that agreement.
5. The applicant advised that there had been no contact with the Respondent, there had been no payments made to the rent arrears, and the sum due remained outstanding.

Findings in Fact

6. The Tribunal found the following facts to be established:
- a. A tenancy agreement had been entered into between the Applicant and the Respondent for the property and had existed between the parties.
 - b. An order for eviction against the Respondent had been granted on 8 April 2021.

- c. Clause 2 in the tenancy agreement provided that monthly rent was £520, and the rent payment date was 28th of each month. Clause 2 of the tenancy agreement provided that monthly rent was due in advance.
- d. That the rental statement showed amounts due each month, amounts received, and rent outstanding.
- e. That the rental statement showed total rent arrears outstanding to March 2021 totalling £11,090.
- f. That it appeared that there had been no payments towards the rent arrears other than those shown on the rent statement.

Reasons for Decision

- 7. Section 16 of the Housing (Scotland) Act 2014 provides that the First Tier Tribunal has jurisdiction in relation to civil proceedings arising from assured tenancies. As this tenancy is an assured tenancy I am content that I have jurisdiction to deal with this case. There was no response or appearance from the Respondent.
- 8. The tenancy agreement created obligations between the parties, which included paying rent. The Respondent had failed to do so. There was submitted a rental statement showing the arrears due. It appeared that they were still due and outstanding.
- 9. On the basis of the evidence submitted and having regard to all papers submitted including the application, I consider that I should make an order for the sum sued for.

Decision

10.I grant an order in favour of the Applicant for ELEVEN THOUSAND AND NINETY POUNDS (£11,090.00) STERLING against the Respondent.

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.

M Barbour

11 June 2022

Legal Member/Chair

Date