



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

**Chamber Ref: FTS/HPC/CV/22/2285**

**Re: Property at Ground Right, 111 Strathmartine Road, Dundee, DD3 7SD (“the Property”)**

**Parties:**

**Ms Deborah Souter, residing at Dundriven, Abernyte, Perthshire, PH14 9TA (“the Applicant”)**

**Mr Graham Mollison, residing at 21 Alpin Road, Dundee, DD3 6HZ (“the Respondent”)**

**Tribunal Members:**

**Paul Doyle (Legal Member)**

**Decision**

**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 £1,138.38. The Applicant had lodged with the Tribunal Form F. The documents produced included a Tenancy Agreement dated 23 July 2020, a calculation of outstanding rental, and proof of the applicant’s registration as a landlord. 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 at 10.00am on 12 December 2022 by telephone conference. Both parties attended. Neither party was represented.

**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 23 July 2022.
2. The respondent brought the lease to an end by vacating the property in December 2021.
3. The rent in terms of the Tenancy Agreement was £360.00 per month.
4. The Respondent was regularly in arrears of rental. HE stopped paying rental in August 2021. By the time he vacated the property rent arrears of £1, 498.38 had accumulated.
5. On taking entry to the property, the Respondent paid a deposit of £360. After termination of the lease, the deposit was applied to the outstanding arrears of rental, reducing the arrears to £1,138.38. That sum remains due and resting owing to the applicant.
6. During the currency of the lease, the respondent asked the applicant's letting agent to complete cosmetic repairs to the kitchen ceiling within the property. The Respondent did not say that he would withhold rental until the cosmetic repairs were completed.

### **Reasons for the Decision**

The Tribunal determined to make an Order for payment of £1138.38. Rent was lawfully due in terms of clause 8 of the Tenancy Agreement at the rate of £360 per month. The respondent failed to make prompt and regular payments of rental. By the time he vacated the property there were arrears of rental totalling £1138.38. Those arrears remain due to the applicant by the respondent.

### **Decision**

For the foregoing reasons, the Tribunal determined to make an Order for payment.

### **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.

**P. Doyle**

**Legal Member**

**Date 12 December 2022**