



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/22/3028**

**Re: Property at 2MD, Isla Street, Dundee, DD3 7HT (“the Property”)**

**Parties:**

**Ms Bharati Patel, 31 York Road, Northwood, Middlesex, HA6 1JL (“the Applicant”)**

**Mr Peter Calome-Mascoll, Flat 17, 2 Dryburgh Gardens, Dundee, DD2 3JF (“the Respondent”)**

**Tribunal Members:**

**Graham Harding (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondent to the Applicant in the sum of £468.17.**

**Background**

1. By application dated 24 August 2022 the Applicant’s representatives Rockford Properties, Dundee applied to the Tribunal for an order for payment by the Respondent in respect of alleged rent arrears arising from the Respondents’ tenancy of the property. The Applicant’s representatives submitted a copy of the tenancy agreement together with a rent statement in support of the application.
2. By notice of Acceptance dated 31 October 2022 a legal member of the Tribunal accepted the application and a Case Management Discussion (“CMD”) was assigned.
3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 30 November 2022.

## **The Case Management Discussion**

4. A CMD was held by teleconference on 6 February 2023. The Applicant did not attend but was represented by Ms Hazel Young of Rockford Properties. The Respondent did not attend nor was he represented. The Tribunal being satisfied that the Respondent had been properly served with the case papers determined to proceed in his absence.
5. Ms Young explained that the tenancy had ended on 22 May 2022 and referred the Tribunal to the rent statement submitted. She explained that the Respondent's deposit of £455.00 had been repaid in full to the Applicant and that after this had been credited the balance due by the Respondent amounted to £468.17 which was the sum claimed.
6. The Tribunal queried why the application had been brought in the name of Bharati Patel when in terms of the tenancy agreement the Landlord had been Dakshesh Patel. Ms Young explained that Dakshesh Patel had died from Covid in the pandemic and his wife Bharati had inherited his portfolio of properties.

## **Findings in Fact**

7. The Respondent entered into a Private Residential tenancy of the property that commenced on 24 July 2020 and ended on 22 May 2022.
8. The rent was £380.00 per calendar month.
9. The Respondent paid a deposit of £455.00 at the commencement of the tenancy.
10. At the end of the tenancy the Respondent owed rent of £933.17.
11. The Respondent's deposit of £455.00 was repaid to the Applicant leaving a balance due by the Respondent of £468.17.

## **Reasons for Decision**

12. The Tribunal was satisfied from the written representations and documents produced together with the oral submissions from the Applicants representative that the Respondent had at the end of his tenancy of the property owed rent amounting to £933.17 and that after the Respondent's deposit had been paid to the Applicant the remaining balance amounted to £468.17. The Respondent had been given an opportunity to submit written representations and to attend the CMD but had chosen not to do so. The Tribunal was satisfied from the information before it that it had sufficient information to allow it to make a decision without the need for a hearing.

## **Decision**

13. The Tribunal finds the applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £468.17.

### **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.**

**Graham Harding  
Legal Member/Chair**

**6 February 2023  
Date**