



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 70(1) of the Private Housing  
Tenancies (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/22/4213**

**Re: Property at 2-2 Whalers Close, 98 Albert Street, Dundee, DD4 6QH (“the  
Property”)**

**Parties:**

**Real Estate Wealth Development Ltd, REWD Group HQ, Unit 4 Barons Court,  
Grangemouth, FK3 8BH (“the Applicant”)**

**Mrs Lili Velikova, Mr Steven Kane, 2-2 Whalers Close, 98 Albert Street, Dundee,  
DD4 6QH (“the Respondent”)**

**Tribunal Members:**

**Ruth O'Hare (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined to make an order for payment in the sum of Eight  
thousand six hundred and forty three pounds (£8643) Sterling.**

**Background**

- 1 By application to the Tribunal the Applicant sought a payment order against the Respondents in respect of rent arrears. In support of the application the Applicant provided the following documentation:-
  - (i) Private Residential Tenancy Agreement between the parties; and
  - (ii) Rent Statement.
- 2 By Notice of Acceptance of Application the Legal Member with delegated powers of the Chamber President intimated that there were no grounds on which to reject the application. A Case Management Discussion was therefore

assigned for the 13 June 2023 to take place by teleconference. A copy of the application paperwork together with notification of the date and time of the Case Management Discussion and instructions on how to join the teleconference was intimated to the Respondent by Sheriff Officers.

- 3 The Applicant subsequently submitted a request to amend the application to increase the sum sought to update the balance of arrears to reflect the current figure of £8643.
- 4 The Case Management Discussion took place by teleconference on 13 June 2023. The Applicant was represented by Anderson Strathern Solicitors. Neither Respondent was present. The Tribunal noted they had been served with the application paperwork which included the date and time of the Case Management Discussion, and instructions for joining the teleconference.
- 5 The Applicant's position was that the application should be amended, as per the Applicant's request, to reflect the current balance of arrears. There had been no payments and no contact. Whilst the second named Respondent was no longer residing in the property, he was still jointly and severally liable for the arrears under the terms of the tenancy agreement. The Applicant therefore invited the Tribunal to make an order in the sum of £8643.

### **Findings in Fact and Law**

- 6 The parties entered into a Private Residential Tenancy Agreement dated 3 August 2021;
- 7 In terms of Clause 8 of the said Tenancy Agreement the Respondents undertook to make payment of rent at the rate of £525 per calendar month.
- 8 As at the date of the Case Management Discussion arrears in the sum of £8643 were outstanding.
- 9 The Respondents are jointly and severally liable to pay the sum of £8643 to the Applicant under the terms of the said tenancy agreement between the parties together.

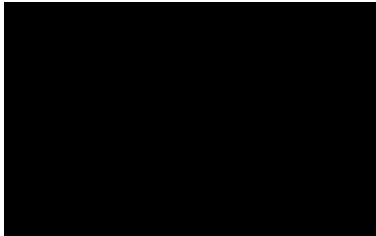
### **Reasons for Decision**

- 10 The Tribunal was satisfied at the Case Management Discussion that it had sufficient information upon which to make a decision and that to do so would not be prejudicial to the interests of the parties. There were no substantive facts in dispute therefore the Tribunal did not consider there to be any requirement to fix a hearing in the matter as there were no issues to be resolved that required the hearing of evidence. Based on its findings in fact

the Tribunal was satisfied that the Respondents were liable to pay the sum of £525 per month towards the arrears. The Tribunal was further satisfied that it could allow the Applicant's request for amendment of the application to reflect the current balance and thereafter made an order for payment in the sum of £8643.

### **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.**



**13 June 2023**

---

**Legal Member/Chair**

---

**Date**