



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 16 Housing (Scotland) Act  
2014**

**Chamber Ref: FTS/HPC/CV/22/4291**

**Property at 31 Glendevon Way, Broughty Ferry, Dundee, DD5 3TG (“the  
Property”)**

**Parties:**

**Oswald Pattie (Tayport) Ltd per, 8 Westerton Avenue, Broughty Ferry, Dundee,  
DD5 3NJ (“the Applicant”)**

**Mr Scott Anderson, 42 Balgillo Road, Broughty Ferry, Dundee, DD5 3LW (“the  
Respondent”)**

**Tribunal Members:**

**Josephine Bonnar (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 for the sum of £4400 should be  
granted against the Respondent in favour of the Applicant.**

**Background**

1. The Applicant seeks an order for payment in relation to unpaid rent. A short assured tenancy agreement and rent statement were lodged in support of the application.
2. A copy of the application and supporting documents was served on the Respondent by Sheriff Officer. Both parties were advised that a Case Management Discussion (“CMD”) would take place on 6 March 2023 at 2pm by telephone case conference and that they were required to participate.

3. The CMD took place at 2pm on 6 March 2023. The Applicant was represented by Mr Ramsay. The Respondent did not participate and was not represented.

### **The CMD**

4. Mr Ramsay told the Legal Member that there has been no contact from the Respondent or payments made to the rent account since the application was lodged. He referred to the rent statement lodged with the application and said that the total specified is incorrect. It shows rent arrears of £6050 on 8 December 2021. However, the Respondent vacated the property and the tenancy ended on or about 8 October 2021. Mr Ramsay said that the total sum due, after deduction of the deposit, is £4400 and not £5500. He confirmed that a payment order is sought for the reduced sum.

### **Findings in Fact**

5. The Applicant is the owner and landlord of the property.
6. The Respondent is the former tenant of the property in terms of a short assured tenancy.
7. The Respondent was due to pay rent at the rate of £550 per month.
8. The tenancy ended on 8 October 2021 when the Respondent vacated the property.
9. The Respondent owes the sum of £4400 in unpaid rent to the Applicant.

### **Reasons for Decision**

10. From the information provided at the CMD and the documents lodged with the application, the Legal Member is satisfied that the Respondent incurred rent arrears of £4950 prior to vacating the property on 8 October 2021. No payments have been made to the rent account since that date. The Applicant recovered the deposit of £550 and applied this to the outstanding arrears. The Legal Member is satisfied that the Applicant is entitled to an order for payment for the sum of £4400.

### **Decision**

11. The Tribunal determines that an order for a payment order should be granted 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.**

# **J Bonnar**

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**Josephine Bonnar, Legal Member**

**Date: 6 March 2023**