



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/23/0381

Re: Property at 9 Whitfield Terrace, Dundee, DD4 0BS (“the Property”)

Parties:

Ms Jill Pearson, 117A Carnamuff Road, Ballykelly, Co Derry, BT49 9JF (“the Applicant”)

Ms Sharon Campbell, 9 Whitfield Terrace, Dundee, DD4 0BS (“the Respondent”)

Tribunal Members:

Karen Kirk (Legal Member) and Janine Green (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order for payment against the Respondent for £1764.06.

Introduction

This Case Management Discussion (CMD) concerned an Application in relation to Civil Proceedings in connection with a Private Residential Tenancy under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016. The CMD took place by teleconference.

1. Attendance and Representation

The Applicant was represented by Logan Ballantine, Rockford Properties, 50 Castle Street, Dundee, DD1 3AQ

The Respondent was not present. She had both been served by Sheriff Officer on the 10th February 2023.

2. Preliminary Matters.

The Applicant's representative raised that he had lodged on 21st February 2023 an application to amend the sum sought to £2254.06. He no longer insisted on this as a rent payment of £490 was received on 23rd February 2023 and the total arrears as at the CMD due by the Respondent was £1764.06.

3. Case Management Discussion

The Applicant's representative set out that the Applicant's sought a payment order for £1764.06. He explained that the current rent is received directly from universal credit. There have been no payments to arrears and the application for arrears payments to Universal credit were unsuccessful. The Applicant' representative said the Respondent had not engaged and no payment plans or offers to be were received.

1. Findings in Fact

1. This Application is dated 6th February 2023 and brought in terms of Rule 111 of the First-Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.
2. The Applicant is the heritable propriety of the property at 9 Whitfield Terrace, Dundee, DD4 0BS
3. The Applicant and the Respondent entered into a Private Residential Tenancy for the property on 8th June 2018.
4. This Tenancy is a Private Residential Tenancy under the Private Housing (Tenancies) (Scotland) Act 2016.
5. Rent payable under this tenancy was £490 per month.
6. As at the rent statement lodged with the application and on 21st February 2023 rent due by the Respondent to the Applicant was £1764.06.

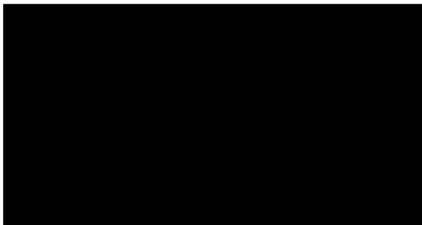
2. Reasons for Decision

The Tribunal was satisfied that the Applicant was the heritable proprietor of the Property. The Tribunal was satisfied that there was a Private Residential Tenancy between parties and that on the evidence provided it was appropriate having regard to the overriding objective of the Tribunal to make a determination at the CMD. The

Respondent had not engaged and had been served appropriately. The Tribunal was satisfied that the Respondent was in arrears of rent lawfully due and an up to date Rent Statement detailing this for the property had been lodged. In terms of Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 the Tribunal granted an Order for payment for the sum of £1764.06 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.



**Karen Kirk
Legal Member/Chair**

**1 March 2023
Date**