



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

Chamber Ref: FTS/HPC/CV/23/0584

Re: Property at South 1/2, 90 Albert Street, Dundee, DD4 6QH (“the Property”)

Parties:

BRL 1995 Discretionary Trust, Bannerman House, 27 South Tay Street, Dundee, DD1 1NR (“the Applicant”)

Ms Kirsty Mcmonagle, Unknown, Unknown (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order be granted against the Respondent for payment to the Applicant of the Sum of Six Hundred and Forty Nine Pounds and Two Pence (£649.02)

Introduction

This is an application under rule 111 and section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.

The CMD took place by teleconference on 16 June 2023 at 11.30 am. The applicant was represented by Mrs Mohna Linton of James Keiller Property Holdings who manage the property. The respondent joined the hearing and represented her own interests. The respondent failed to participate in the hearing. There was no known barrier to her doing so.

Findings and Reasons

The property is South 1/2, 90 Albert Street, Dundee DD4 6QH.

The applicant is BRL 1995 Discretionary Trust. This is the heritable proprietor and registered landlord of the property. The respondent is Ms Kirsty McMonagle who is the former tenant.

The parties entered into a private residential tenancy which commenced on 21 January 2022. The rent was £545 per month. A deposit in the sum of £545 was paid which was protected by SafeDeposits Scotland.

Throughout the duration of the tenancy the respondent fell into arrears of the contractual rental payments. The tenant vacated the let property on 18 October 2022.

The application is supported by a detailed account statement disclosing the sums of rent which fell due and the monies received. The tribunal found this documentary evidence credible and reliable and attached weight to it.

As at the date of the respondent's vacation of the property, arrears of rent was £1,194.02. The deposit in the sum of £545 has been returned to the applicant reducing the level of arrears to £649.02 which is the sum sought in this application.

The applicant is entitled to recover arrears of rent under and in terms of the lease. The respondent has not opposed the application and has made no time to pay application.

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.

Richard Mill

2 August 2023

Legal Member/Chair

Date