



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017**

**Chamber Ref: FTS/HPC/CV/22/1456**

**Re: Property at 2B Manor Place, Broughty Ferry, Dundee, DD5 2BZ (“the Property”)**

**Parties:**

**Mrs Darlene Drummond, Mr Christopher Cotton, 4 Yewbank Ave, Broughty Ferry, Dundee, DD5 2SG; 4 Yewbank Avenue, Broughty Ferry, Dundee, DD5 2SG (“the Applicants”)**

**Ms Claudia Hogan, 2B Manor Place, Broughty Ferry, Dundee, DD5 2BZ (“the Respondent”)**

**Tribunal Members:**

**Fiona Watson (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that that an order is granted against the Respondent for payment of the undernoted sum to the Applicants:**

**Sum of SEVEN THOUSAND TWO HUNDRED AND FORTY POUNDS (£7,240) STERLING**

- Background
1. An application was submitted to the Tribunal under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondent in relation to rent arrears accrued under a private residential tenancy agreement.

- The Case Management Discussion
2. A Case Management Discussion (“CMD”) took place on 2 September 2022. The Applicants were personally present. There was no appearance by or on behalf of the Respondent. The CMD had been continued from the original scheduled date of 12 August 2022 after the Respondent had emailed the Tribunal administration to advise that she was unwell and unable to attend. The continued date and time of the CMD was intimated on the Respondent by letter of 16 August 2022. The Tribunal was accordingly satisfied that the Respondent had been duly notified of the date and time of the CMD and that the CMD could proceed in the Respondent’s absence.
  3. The Applicants moved for the order for payment to be granted. The parties had entered into a Private Residential Tenancy Agreement. The monthly rent is £640. The Respondent had failed to make payment of rent and at the time of submitting the application had fallen into arrears amounting to £7,240. Since submitting the application, the arrears had continued to increase and now stood at £9,800. The arrears had commenced in April 2020 and there had been a continuous arrear to date. The Respondent had failed to communicate with the Applicants and therefore they were not entirely sure of her current circumstances. They were aware that she had started the tenancy whilst in employment and had lost her job part-way through, when the arrears started to accrue. The Respondent’s current employment status was not known.

- Findings in Fact

4. The Tribunal made the following findings in fact:
  - (i) The parties entered into a Private Residential Tenancy Agreement (“the Agreement”) which commenced 15 September 2018;
  - (ii) In terms of Clause 4 of the Agreement, the Respondent was obliged to pay a monthly rent of £640 to the Applicants;
  - (iii) The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £7,240 at the date of the application.

- Reasons for Decision

5. The Tribunal was satisfied that the Applicants were entitled to the sum of £7,240. The Respondent was obliged to make payment of rent in the sum of £640 per month under Clause 4 of the Agreement and had failed to do so. She had accrued arrears amounting to £7,420 at the date of the application and which fell lawfully due to be repaid to the Applicant.
6. Whilst it was noted that the arrears had increased since the application was made, no application to amend the sum sought had been made by the Applicants in terms of Rule 14A of the Rules, and therefore the Tribunal granted an order in the sum due at the date of the application and which sum had been intimated on the Respondent.

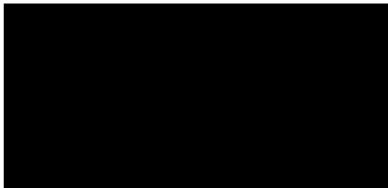
- Decision

7. The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent for payment of the undernoted sum to the Applicants:

Sum of SEVEN THOUSAND TWO HUNDRED AND FORTY POUNDS  
(£7,240) STERLING

### **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.**



**Legal Member/Chair**

**Date: 2 September 2022**