

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/23/0059

Re: Property at 45 Tay Street, Moifieth, Dundee, DD5 4AX (“the Property”)

Parties:

T3eth Limited, 10 Kingfisher Place, Kingennie, Broughty Ferry, Dundee, DD5 3JZ (“the Applicant”)

Mr Sebastian Harper Ward, 45 Tay Street, Monifieth, Dundee, DD5 4AX (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member) and Elaine Munroe (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

- Background

This is an application for an order for payment of arrears of rent alleged to be owed by the Respondent, in terms of a private residential tenancy agreement with the Applicant. It called for a case management discussion (‘CMD’) at 10am on 20 July 2023, by teleconference. The Applicant was represented on the call by Mr Allen Smith of Sutherland Management. The Respondent was not on the call or represented.

The matter previously called for a CMD on 29 March 2023, at which both parties made appearance. The matter was continued to allow an agreed payment plan to be

implemented. Since that time, the Applicant had submitted a rent statement indicating that the agreed plan had not been kept to by the Respondent. The Applicant requested to increase the sum sought to £7,975 on 3 July 2023. The Respondent sent an email on 10 July 2023 requesting postponement, but giving no reason why this was necessary, other than reference to him consulting a solicitor. He stated, "I will not be accepting this." The request for a postponement was not granted.

The Tribunal considered that the Respondent was aware of the CMD and had chosen not to attend; and that it was therefore fair to proceed in his absence.

- Findings in Fact

1. The Applicant lets the Property to the Respondent in terms of a private residential tenancy with a start date of 1 March 2022.
2. In terms of that tenancy agreement, rent of £975 is due on the first day of each month.
3. As at the date of the second CMD, the Respondent was in arrears of rent of £7,975.

- Reasons for Decision

4. The Tribunal granted the application to amend the sum sought. The Respondent had not specified in what way he disputed the increased sum or provided any evidence to support a bare denial (if that was in fact what his email was intended to convey).
5. For similar reasons, the Tribunal found that the sum sought, as amended, was due and that an order for payment should therefore be made.

- Decision

Order made for payment, by the Respondent to the Applicant of the sum of SEVEN THOUSAND, NINE HUNDRED AND SEVENTY-FIVE POUNDS STERLING (£7,975).

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.

Nairn Young

20 July 2023

Legal Member/Chair

Date