



**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 (Act)**

**Chamber Ref: FTS/HPC/CV/20/1701**

**Re: Property at 3L 11 Rosebery Street, Dundee, DD2 2NP (“the Property”)**

**Parties:**

**Lukesharp Properties, 5 Rannochmoor Gardens, Dundee, DD3 9SJ (“the Applicant”)**

**Mr David Gardener, Unknown, Unknown (“the Respondent”)**

**Tribunal Members:**

**Alan Strain (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for payment should be granted in the sum of £1,315.**

**Background**

This is an application under Rule 111 and section 71(1) of the Act in respect of alleged rent arrears due by the Respondent.

The Tribunal had regard to the following documents:

1. Application received 12 August 2020;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 9 March 2019;
3. Schedule of Rent Arrears;
4. Text Messages;
5. Certificate of Service of Tribunal CMD Notification by Advertisement on Respondent dated 17 December 2020.

## **Case Management Discussion (CMD)**

The case called for a CMD by conference call on 17 December 2020. The Applicants participated and were represented by Mr Luke. The Respondent did not participate and was not represented.

The Tribunal delayed the start of the CMD to see if the Respondent would participate. The Respondent did not.

The Tribunal were satisfied that the Respondent had received notification of the Case Management Discussion and that the Tribunal could determine the matter if it considered it had sufficient information to do so and the procedure was fair. The notification also advised the Respondent that he should attend and the Tribunal could determine the matter in absence if he did not.

Mr Luke advised that the arrears as at the date of the CMD were £1,315 as he had received payment of the deposit of £385 from the original sum claimed.

The Tribunal then considered the documentary evidence it had received from the Applicants and in so far as material made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 9 March 2019;
2. The monthly rent was £425;
3. As at the date of the CMD the rent was in arrears in the sum of £1,315.

The Tribunal was satisfied that the rent arrears had been established and accordingly granted the application for an order for payment in the sum of £1,315.

## **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.**

**Alan Strain**

**17 December 2020**

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**Legal Member/Chair**

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**Date**

