



**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/23/0007**

**Re: Property at 52 Lulworth Court, Dundee, DD4 0LS (“the Property”)**

**Parties:**

**Mr Andrew Miller, Mrs Carole Miller, 14 Ptak Way, Bridge of Earn, Perth, PH2 9FT; 65 David Douglas Avenue, Scone, Perth, PH2 6QQ (“the Applicants”)**

**Miss Kirsty Saunders, 18 Fintry Gardens, Dundee, DD4 9EE (“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”) granted an order against the Respondent for payment to the Applicants the sum of Nine Thousand and Twenty Two Pounds and Fifty Pence (£9,022.50)**

**Introduction**

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

Service of the proceedings and intimation of the Case Management Discussion (‘CMD’) was effected upon the respondent by Sheriff Officers on 30 March 2023.

The CMD took place by teleconference on 5 May 2023 at 10.00 am. Mrs Carole Miller joined the hearing and represented the applicants’ interests. The respondent failed to participate in the hearing. There was no known barrier to her doing so.

## Findings and Reasons

The property is 52 Lulworth Court, Dundee DD4 0LS. The applicants are Mr Andrew Miller and his mother Mrs Carole Miller who are the heritable proprietors and registered landlords. The respondent is the former tenant.

The parties entered into a private residential tenancy which commenced on 28 August 2020. The rent was stipulated at £450 per month.

The tenant vacated the let property on 7 March 2023. Throughout the duration of the tenancy the respondent fell into arrears of the contractual rental payments.

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

The total amount sought in the application is £9,022.50. This is comprised of rent arrears as at 7 March 2023 in the sum of £8,900 plus additional costs incurred by the applicants (removal of rubbish and cleaning) totalling £187.50. The total owed at the end of the tenancy was therefore £9,087.50 which was reduced by the deposit of £65 recovered from the tenancy deposit scheme.

The tribunal accepted the additional oral evidence of Mrs Miller at the hearing regarding the condition of the property at the end of the lease which necessitated the removal and cleaning costs.

The applicant is entitled to recover arrears of rent and other charges due under and in terms of the lease. The respondent has not opposed the application and has made no application for a time to pay direction. She has refused or unreasonably delays paying the sums she is obligated to make and a payment order is necessary.

## **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.**

5 May 2023

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Legal Member/Chair

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Date