



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/CV/22/4341

Re: Property at 60 GL, Dundee Road, Dundee, DD5 1HY (“the Property”)

Parties:

**Mr Jam Koramshai, Green Acres, The Street, Poynings, West Sussex, BN45 7AQ
 (“the Applicant”)**

Mr Brian Don, Unknown, Unknown (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Order for Payment against the Respondent in favour of the Applicant in the sum of £1,355.87.

Background

1. The Applicant submitted an application under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order for payment in respect of rent arrears said to have been incurred by the Respondent.
2. By decision dated 14 March 2023, a Convenor of the Housing and Property Chamber, having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. The Notice of Acceptance was intimated to the Applicant’s representative on 17 March 2023. Letters were issued on 24 April 2023 informing both parties that a CMD had been assigned for 31 May 2023 which was to take place by conference call. The Tribunal instructed sheriff officers to serve the application on the Respondent.

4. On 1 May 2023, sheriff officers reported that the Respondent had left the property and his whereabouts were unknown.
5. The CMD assigned for 31 May 2023 was cancelled and a new CMD assigned for 11 July 2023.
6. On 7 June 2023, the Tribunal served the application on the Respondent by advertisement on the Housing and Property Chamber website.
7. On 3 July 2023, the Applicant's representative applied to increase the sum sued for and lodged an updated rent statement.

The case management discussion

8. The CMD took place by conference call. The Applicant was represented by Mr Logan Ballantine. The Respondent did not join the conference call and the discussion proceeded in his absence. The Applicant's representative explained that the Respondent left the property on 5 April 2023 and returned the keys. The Respondent did not make any arrangement to repay the arrears of rent. The Applicant apportioned rent due up to 5 April 2023. The Applicant has applied to recover the deposit paid by the Respondent but any deposit recovered will be applied to damages and repairs to the property and will not be applied to rent arrears. The total sum due by the Respondent in respect of rent arrears is £1,355.87 and the Applicant's representative moved for an order to be granted against the Respondent for that sum.

Findings in Fact

9. The parties entered into a short assured tenancy which commenced 7 October 2017.
10. The contractual rent was £530 per month.
11. The arrears due by the Respondent amount to £1,355.87.

Reasons for Decision

10. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondent failed to lodge written representations and failed to participate in the discussion. There was nothing to indicate that the Respondent disputed the level of rent arrears. The Tribunal was satisfied that the Respondent owes the Applicant £1,355.87 and accordingly an order for payment was granted in that sum.

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.

Nicola Irvine

Legal Member/Chair

11 July 2023

Date