

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/18/1233**

**Re: Property at 2/R 56 Main Street, Dundee, DD3 7HN (“the Property”)**

**Parties:**

**Mrs Zeenat Ali, c/o Balgay Property and Investment Services, 8 Westport, Dundee, DD1 5EP (“the Applicant”)**

**Mr Szymon Stec, 2/R 56 Main Street, Dundee, DD3 7HN (“the Respondent”)**

**Tribunal Members:**

**Ewan Miller (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment in the sum of £3,731 should be made against the Respondent**

**Background**

This is an application in terms of Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended. The Applicant was seeking an order for payment of arrears of rental due under a lease between the Applicant and the Respondent.

The Tribunal had before it:-

- The Application to the Tribunal under Rule 70 by the Applicant dated 14 May 2018.
- A lease between the parties dated 14 July 2015 of a property at 2/R 56 Main Street, Dundee.
- An up to date arrears statement showing outstanding rental of £3731
- Notice to Quit to the Respondent dated 13 April 2018 highlighting the arrears of rental by the Respondent at that date.

- Confirmation of Service by Sheriff Officer of the said Notice to Quit and details of arrears dated 13 April 2018
- Confirmation of Service by Sheriff Officer of the Application by the Tribunal on the Respondent dated 1 August 2018

### Case Management Discussion

The Tribunal held a Case Management Discussion at Caledonian House, Greenmarket, Dundee on 30 August 2018. The Respondent was not present. The Applicant was represented by Mr Mike Brown of Michael A Brown, Solicitors, Dundee.

The Tribunal noted that the Respondent had been notified that a decision may be made at the Case Management Discussion. The Respondent had made no representations either in response to service of the Application on him or at the hearing.

Mr Brown, on behalf of the Applicant, highlighted that rental was due at a rate of £340 per calendar month. Payments had stopped in November 2017 and had been accruing at that rate ever since. His client was shortly to seek recovery of possession but in the interim sought a payment order for the outstanding rental.

### Findings in Fact

The Tribunal found the following facts to be established:-

- There was a lease between the parties dated 14 July 2018 for the property at 56 Main Street, Dundee;
- The Respondent was obliged to pay rent at the rate of £340 per calendar month;
- The Respondent had ceased to pay rent from November 2017;
- As at the date of the Case Management Discussion the sum of £3731.00 was outstanding by the Respondent;

### Reasons for Decision

The Tribunal was satisfied that there was a lease in place between the parties. The Tribunal was satisfied that this obliged the Respondent to make payment at the rate of £340 per calendar month. A statement of arrears had been produced by the Applicant which highlighted the current arrears of £3731. The Tribunal had no reason to doubt that the statement was correct. The Respondent had not provided any information or appeared at the Case Management Discussion to suggest that the paperwork before the Tribunal was anything other than correct. On that basis the Tribunal was satisfied that it was appropriate to make an order for payment for the amount of the outstanding arrears of rent as the Respondent was in breach of his obligations under the lease. There appeared to be no reason or benefit in continuing the application to a full hearing and the Tribunal was content to make a decision at the Case Management Discussion

Decision

The Tribunal granted an order for payment in the sum of £3,731 against the Respondent.

**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.**

E. MILLER

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**Legal Member/Chair**

30/8/18  
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**Date**