

Housing and Property Chamber
First-tier Tribunal for Scotland



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/CV/19/3707

Re: Property at 41C Hill Street, Arbroath, DD11 1AG

Parties:

Dawn McGlashen, residing at 22 Isla Avenue, Carnoustie, DD7 6GL ("the Applicant")

Connor Charles David Mack and Tegan Lee Buick residing together at 41C Hill Street, Arbroath, DD11 1AG ("the Respondents")

Tribunal Members:

Paul Doyle (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an order for payment should be made.

Background

The Applicant initially sought an order for payment of rental arrears totalling £2,250. The Applicant had lodged with the Tribunal Form F. The documents produced were a Tenancy Agreement dated 29 June 2018 and a statement of arrears of rent. A copy title sheet was lodged with the Tribunal which showed that the applicant is the joint heritable proprietor of the Property.

Case Management Discussion

A case management discussion took place before the Tribunal at 2.00pm on 9 March 2020 within Caledonian House, Greenmarket, Dundee. The Applicant was represented by Ms M Coleman of Struan Baptie Property Management Ltd. The first respondent was neither present nor represented. The second respondent was present and unrepresented.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondents entered into a Private Residential Tenancy Agreement for the Property dated 26 June 2018.
2. The period of the Lease was from 1 July 2018. The initial rent in terms of the Tenancy Agreement was £375 per month. The second respondent removed from the property on 15 February 2019. At that time all payments of rental were up to date. The second respondent emailed the applicant's agents on two separate occasions telling the applicant that she had moved out of the property.
3. The second applicant gave effective notice to leave the property. At the date she left the property the rental was fully up to date. She has no responsibility for the accumulation of arrears of rental and so the application is dismissed against her.
4. The first respondent vacated the property on 8 January 2020. The First Respondent has not paid any rent since April 2019. At the date of application, there were arrears of rental totalling £2,250. On 8 January 2020 (and at today's date) there are arrears of rental totalling £3,473.63. The first respondent is solely liable for that sum. No attempt has been made to make payment towards the sum outstanding.
5. The applicant made an application to amend the sum claimed by increasing the sum applied for from £2,250.00 to £3,473.63 in terms of rule 14A of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. That application is unopposed.
6. The first respondent offers no resistance to this application
7. Notice of the date of this hearing was served on both Respondents by sheriff officers on 4 February 2020.

Reasons for the Decision

The Tribunal determined to make an Order against the first respondent only for payment of £3,473.63. Rent was lawfully due in terms of clause 8 of the Tenancy Agreement at the rate of £375 per month. The first Respondent has not paid any rent since April 2019. He finally vacated the property on 8 January 2020 by which time rent arrears totalled £3,473.63.

Decision

For the foregoing reasons, the Tribunal determined to make an Order for payment.

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.

P. Doyle

Legal Member



Date 9 March 2020