



**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/23/2355**

**Re: Property at 10/4 Arthurstone Terrace, Dundee, DD4 6RS (“the Property”)**

**Parties:**

**Miss Susan Young, 1 Harestane Crescent, Dundee, DD3 0LQ (“the Applicant”)**

**Ms Carrie Morrison, Mr Chris Donaldson (SBA), 10/4 Arthurstone Terrace, Dundee, DD4 6RS; Unknown, Unknown (“the Respondents”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Mary Lyden (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Order for Payment against the Respondents in favour of the Applicant in the sum of £20,570 with interest at the rate of 5.25% per annum from the date of this decision until payment.**

**Background**

1. The Applicant submitted an application under Rule 111 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 Respondents.
2. A case management discussions (“CMD”) took place in this case on 14 February 2024. The Tribunal issued a note following that discussion. The Tribunal assigned a CMD for 30 April 2024 at 10am. On 26 March 2024, the Tribunal issued a letter to the First Respondent providing details of the CMD together with joining instructions. On the same date, the Tribunal intimated details of the CMD to the Second Respondent by advertisement on the Housing and Property Chamber website.

3. On 15 April 2024, the Tribunal received an email from the Applicant's representative, giving notice that the Applicant wished to increase the sum sought to £20,570 plus interest.

#### **The case management discussion – 30 April 2024**

4. The CMD took place by conference call. The Applicant was represented by Mr Calvin Gordon, solicitor. The Respondents did not join the conference call and the discussion proceeded in their absence. This case called alongside a related case which proceeds under chamber reference FTS/HPC/EV/23/2353. The Applicant's representative explained that an up to date rent statement was lodged on 15 April 2024, which shows that the rent arrears have increased to £20,570. The Applicant's representative moved to amend the sum sued for to that sum with interest at the judicial rate.

#### **Findings in Fact**

5. The parties entered into a private residential tenancy which commenced 28 June 2019.
6. The contractual monthly rent is £550.
7. The Respondents have accrued rent arrears of £20,570.

#### **Reason for Decision**

8. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondents failed to lodge written representations and failed to participate in the CMD. There was nothing to suggest that the Respondent disputed the accuracy of the rent statement. The Tribunal was satisfied that the Respondents have accrued rent arrears amounting to £20,570. The Tribunal granted the application to increase the sum sued for and granted an order in that sum.
9. Rent arrears have been outstanding for a considerable period of time, with failed promises of payment. The Tribunal exercised its discretion in terms of rule 41A and awarded interest on the sum due at the rate of 5.25% per annum from today's date until 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.**

Nicola Irvine

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**Legal Member**

**30 April 2024**

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**Date**