



Amended 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/24/1711

Re: Property at 13 Forth Crescent, Dundee, DD2 4JB (“the Property”)

Parties:

Mrs Paula Sey, Mr Mark Allen Sey, 4 McKenzie Square, St Andrews, Fife, KY16 8ND (“the Applicant”)

Miss Tsungai Sharifa Chinembiri, 13 Forth Crescent, Dundee, DD2 4JB (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in favour of the Applicant in the sum of £3571.

Background

1. This is a Rule 111 application received in the period between 15th April and 13th May 2024. The Applicant was seeking an order for payment in the sum of £1965. The Applicant lodged an extract of a private residential tenancy agreement between the parties in respect of the Property, which tenancy commenced on 1st April 2022 at a monthly rent of £600, together with email correspondence, a rent statement and rent increase notification.
2. By email dated 4th December 2024, the Applicant lodged an updated rent statement showing arrears in the sum of £3571

The Case Management Discussion

3. The case called for a Case Management Discussion (“CMD”) by telephone conference on 17th December 2024. Mrs Sey was in attendance and representing Mr Sey. The Respondent was in attendance.

4. Following some discussion and a short adjournment for the Respondent to consider the updated rent statement, parties agreed that the sum of £3571 was outstanding.
5. The Respondent indicated that she was not opposed to an order being granted in the outstanding sum, and that she had agreed to the tenancy deposit being retained by the Applicant to go towards the arrears.
6. The Applicant indicated that she had made an application to the tenancy deposit scheme to recover the sum of £1000 in respect of the Respondent's tenancy deposit. She was awaiting a response, and this sum would be applied to the sum outstanding.

Findings in Fact and Law

7.
 - (i) Parties entered into a private residential tenancy agreement in respect of the Property which commenced on 1st April 2022.
 - (ii) The rent was increased annually.
 - (iii) The tenancy ended on 28th November 2024.
 - (iv) Rent lawfully due has not been paid by the Respondent to the Applicant.
 - (v) The Applicant is entitled to recover rent lawfully due.

Reasons for Decision

8. Rent lawfully due is outstanding. The Applicant is entitled to recover rent lawfully due.

Decision

9. An order for payment is granted in favour of the Applicant in the sum of £3251.

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.



December

2024