



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 18 of the Housing (Scotland) Act 1988**

**Chamber Ref: FTS/HPC/CV/19/0295**

**Re: Property at 23 Dryburgh Place, Dundee, DD2 2SP (“the Property”)**

**Parties:**

**Mr Stewart Mitchell, 19C Corso Street, Dundee, DD2 2RJ (“the Applicant”)**

**Mr Peter Craig, 23 Dryburgh Place, Dundee, DD2 2SP (“the Respondent”)**

**Tribunal Members:**

**Gillian Buchanan (Legal Member)**

**Decision**

The Applicant was not in attendance but was represented by Mr Campbell of Messrs Campbell Boath, Solicitors, Dundee.

The Respondent was neither present nor represented.

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that**

- The parties entered into a Tenancy Agreement on 19 March 2014. The tenancy bears to be a Short Assured Tenancy Agreement. However, no Form AT5 was produced. The tenancy is therefore an Assured Tenancy in terms of the Housing (Scotland) Act 1988.
- The original term of the tenancy is stated to be 19 March 2014 to 17 September 2014 and in terms of Clause 1.1 thereof continues monthly thereafter until terminated.
- The rent payable by the Respondent to the Applicant in terms of the Tenancy Agreement was agreed to £575 payable monthly in advance on the 19<sup>th</sup> day of each month.
- The Respondent has failed to pay rent due in terms of the Tenancy Agreement. As at the date of the application to the tribunal dated 24 January 2019 the arrears accrued are £4,720. Mr Campbell confirmed to the tribunal

that no sums had subsequently been paid by the Respondent and the rent arrears had increased to £5,870 as at the date of the hearing.

- Mr Campbell narrated that the Respondent had previously removed from the Property leaving his wife in occupation. More recently, the Respondent's wife had removed too.
- The Applicant seeks an order for payment of the rent arrears accrued.
- The Respondent has had due intimation of these proceedings on 18 March 2019.

### **Decision**

The Applicant is entitled to a decision in terms of which the Respondent is ordered to pay to the Applicant the sum of £4,720 and the tribunal made a decision in favour of the Applicant to that effect.

### **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.**

Gillian Buchanan

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**Legal Member/Chair**

9 April 2019

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**Date**