

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) under Section 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/19/0551

Re: Property at 40B Lansdowne Square, Dundee, DD2 3HW (“the Property”)

Parties:

Mr Ronald Evans, Mrs Elizabeth Evans, 31 Cupar Road, Newport on Tay, Fife, DD6 8DG (“the Applicant”)

Ms Leigh Caird, 40B Lansdowne Square, Dundee, DD2 3HW (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision (in absence of the Respondent)

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

This matter called for a Case Management Discussion at 2pm on 2 May 2019 in Hilltown Community Centre, 15 Alexander Street, Dundee, DD3 7UN. The Applicant was represented by Mr David Wilkie of The Property Management Company. There was no appearance by or on behalf of the Respondent. Sheriff Officers had served the Application and details of the Case Management Discussion on the Respondent on 12 April 2019. The Tribunal therefore proceeded in her absence.

Mr Wilkie produced an updated rent statement evidencing the current level of arrears. Those arrears were now at £1,581.16. Mr Wilkie requested a payment order for that amount.

The Tribunal however noted that the sum claimed in the Application was £1,425.00 and no amendment to that sum had been made or intimated to the Respondent prior to the Case Management Discussion. The Tribunal therefore considered that it would not be just to make a payment order for this higher

sum. The Tribunal was however satisfied that a Payment Order should be made in the sum of £1,425.00 and that interest should run on that figure at the rate of eight per cent from today's date until payment. A Payment Order was granted on that basis.

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.

Andrew McLaughlin

Legal Member/Chair

2/5/19

Date

*Insert or Delete as required