



**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/19/0877**

**Re: Property at 79B Church Street, Broughty Ferry, Dundee, DD5 1EU (“the Property”)**

**Parties:**

**Tiree Investments Ltd, 2 Invermark Terrace, Broughty Ferry, Dundee, DD5 2QU (“the Applicant”)**

**Ms Terri-Lee Skelligan, Homeless Service Unit, East District Housing Office, 169 Pitkerro Road, Dundee, DD4 8ES (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member)**

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

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

1. An application was received by the 14<sup>th</sup> March 2019. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments.
2. The application made reference to case FTS/HPC/18/3159 in which an order for eviction was granted on 26<sup>th</sup> February 2019. An application for rent arrears was not submitted at the same time.
3. The application included:-
  - a. Copy Scottish Government Model Private Residential Tenancy Agreement with commencement of tenancy being 12<sup>th</sup> January 2018;
4. A Notice of Acceptance of Application was signed on 25<sup>th</sup> March 2019.

5. On 26<sup>th</sup> March 2019, the Housing and Property Chamber wrote to the Applicant requesting further information in the form of a rent statement to point of eviction which included all payments owing and all payments made. A statement showing what other monies were due arising from the date when the eviction order was granted was also requested.
6. On 28<sup>th</sup> March 2019, Applicant sent a letter to the Housing and Property chamber clarifying points raised in the letter of 26<sup>th</sup> March 2019.
7. The Tribunal also had before it a copy of the title deeds numbered ANG13565.
8. On 13<sup>th</sup> April 2019, all parties were written to with the date for the Case Management Discussion ("CMD") of 9<sup>th</sup> May 2019 at 10am at the Caledonia House, Greenmarket, Dundee. The letter also requested all written representations be submitted by 1<sup>st</sup> May 2019.
9. On 16<sup>th</sup> April 2019, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service and first class post. This was evidenced by Certificate of Citation dated 16<sup>th</sup> April 2019. It was served upon the Respondent at her homeless property the address of which was given to the Sheriff Officers by Dundee City Council's homeless department.
10. On 7<sup>th</sup> May 2019, the Applicant wrote to the Housing and Property Tribunal requesting that the amount due be reduced to £5639.14 as a payment from the DWP had been made for £902.50.

#### The Case Management Discussion

11. A CMD was held on 9<sup>th</sup> May 2019 at 10am at Caledonia House, Greenmarket, Dundee. The Applicant was represented by Mrs Elinor Darroch, the Company Secretary of Tiree Investments Ltd. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make representations in advance of the hearing. Mrs Darroch informed the Tribunal that the arrears which had been requested solely related to the current tenancy. A payment of £2625 which had been posted on the rent statement for August 2018 was wrongly posted and should have been posted in April 2018. This was a payment for the full amount outstanding of £1575 for the previous Short Assured Tenancy with the remaining £1075 being attributed to the current tenancy. Mrs Darroch has not been in contact with the Respondent as she has a management company dealing with the property. She believes that there are no outstanding sums due from the DWP.

Findings and reason for decision

12. A Private Rented Tenancy Agreement commenced 12<sup>th</sup> January 2018.
13. The Respondent persistently failed to pay her rent charge of £525 per month. The rent payments are due to be paid on 12<sup>th</sup> day of each month.
14. There are no outstanding Housing Benefit issues.
15. The arrears sought totalled £5639.14. Amounting to rent arrears

Decision

16. The Tribunal found that the Applicant was entitled to be granted 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.**

Gabrielle Miller

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Legal Member/Chair

9 MAY 19  
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Date