



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 70(1) of the Private Housing  
(Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/19/2437**

**Re: Property at 54 Coniston Terrace, Dundee, DD3 0AH (“the Property”)**

**Parties:**

**Mr Robert Allan, trading as Lara Letting, Bank House, Stirling Street, Dundee,  
DD3 6PJ (“the Applicant”)**

**Miss Shannen Gowan, 54 Coniston Terrace, Dundee, DD3 0AH (“the  
Respondent”)**

**Tribunal Members:**

**Ruth O'Hare (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined to make an order for payment against the Respondent in  
the sum of Two thousand five hundred and sixty four pounds (£2564) Sterling**

**Background**

- 1 By application dated 25 June 2019 the Applicant sought an order for payment against the Respondent in respect of unpaid rent in the sum of £2564. In support of the application the Applicant provided the following documentation:-
  - (i) Tenancy Agreement between the parties dated 24<sup>th</sup> July 2014; and
  - (ii) Rent Statement;
- 2 By Notice of Acceptance of Application dated 23 September 2019 the Legal Member with delegated powers of the Chamber President intimated that there were no grounds to reject the application. A Case Management Discussion was therefore assigned for 12<sup>th</sup> November 2019.

- 3 The application paperwork together with notification of the Case Management Discussion was served on the Respondent by Sheriff Officers on 9<sup>th</sup> October 2019.

### **The Case Management Discussion**

- 4 The Case Management Discussion took place at Credo Centre on 12<sup>th</sup> November 2019. The Applicant was represented by Alec Campbell from Campbell Both Solicitors.
- 5 Mr Campbell explained that housing benefit was paid to the rent account but did not cover the whole rent due. The Respondent had persistently failed to pay the shortfall therefore arrears had accrued. Mr Campbell confirmed that an order had previously been granted by the Tribunal and the Respondent had failed to engage in those proceedings. The Applicant had succeeded in obtaining an earnings arrestment to recover the sums due. Mr Campbell confirmed that the Respondent had since vacated the property. The Applicant sought the order for £2564.

### **Findings in Fact and Law**

- 6 The parties entered into a Tenancy Agreement dated 27<sup>th</sup> July 2014 in respect of the Property.
- 7 In terms of the said Tenancy Agreement the Respondent undertook to pay rent of £450 per month.
- 8 As at the 9<sup>th</sup> August 2019 arrears of rent in the sum of £2564 were outstanding.
- 9 The Respondent is liable to pay the sum of £2564 in accordance with the terms of the Tenancy Agreement between the parties.

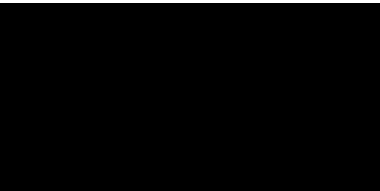
### **Reasons for Decision**

- 10 The Tribunal was satisfied that it was able to continue with the Case Management Discussion in the absence of the Respondent. The application paperwork had been served upon her by Sheriff Officers. The Tribunal therefore considered it could reasonably assume that she was aware of the Case Management Discussion and had been given the opportunity to attend or make written representations in response to the application.
- 11 The Tribunal was further satisfied that it was able to make a determination of the application at the Case Management Discussion and that to do so would not be prejudicial to the interests of the parties.

- 12 Based on the verbal and written representations from the Applicant's Agent, the Tribunal accepted that the Respondent was due to make payment of rent in the sum of £450 per month in terms of the Tenancy Agreement entered into between the parties. She had failed to do so. She had not put forward any evidence to counter the Applicant's position in this regard. The Tribunal noted that a previous order had been granted against her for payment of rent arrears and that she had similarly failed to engaged in those proceeding. The Tribunal found the Applicant's evidence to be credible as put forward by his agent and therefore accepted his position.
- 13 The Tribunal therefore determined to make an order for payment against the Respondent in the sum of £2564, being arrears of rent due by the Respondent under the terms of the tenancy agreement between the parties.

### **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.**



Legal Member/Chair

12/9/19

Date