



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/CV/19/3189

Re: Property at 1/L 10 Balmore Street, Dundee, DD4 6SY (“the Property”)

Parties:

**Mrs Vanessa Cameron, 9 Belfray Mansions, St Andrews Road, Old Langho,
Blackburn (“the Applicant”)**

**Mr Graham Morton, 1/L 10 Balmore Street, Dundee, DD4 6SY (“the
Respondent”)**

Tribunal Members:

Graham Harding (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the Applicant was entitled to an order for payment
by the Respondent in the sum of £1740.00.**

Background

1. By application dated 3 October 2019 the Applicant’s representatives Robertson Property Management Limited, 3 Bank Street, Dundee applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondent’s tenancy of the property. They submitted a copy of the tenancy agreement together with a rent statement in support of the application.
2. By Notice of Acceptance dated 19 November 2019 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion was assigned.

3. Intimation of the Case Management Discussion was given to the Applicant's representatives by post on 17 December 2019 and to the Respondent by Sheriff Officers on 18 December 2019.

The Case Management Discussion

4. A Case Management Discussion was held at Caledonian House Dundee on 17 January 2020 . The Applicant did not attend but was represented by Mr Duncan Robertson and Ms Jacqueline Anderson of the Applicant's representatives. The Respondent did not attend and was not represented. The Tribunal being satisfied that proper intimation of the Case Management Discussion had been given to the Respondent determined to proceed in his absence in accordance with Rule 29 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the 2017 Rules").
5. Ms Anderson confirmed that the monthly rent due by the Respondent in terms of the tenancy agreement was £250.00. She confirmed that no payments had been made by the Respondent since January 2019. She said that various attempts had been made to contact the Respondent including attending at the property but there had been no response. The arrears were continuing to increase. Ms Anderson confirmed that at the date of the application the arrears were £1740.00. She explained that a further application for possession of the property was likely to be made after a Notice to Quit expired on 1 February 2020 and that any further rent arrears would be claimed along with that application. She asked the Tribunal to grant the order for payment in the sum of £1740.00.

Findings in Fact

6. The parties entered into a Short Assured Tenancy Agreement that commenced on 1 June 2015 at a rent of £250.00 per calendar month.
7. The Respondent has failed to make any payment of rent since January 2019.
8. The rent due by the Respondent up to 31 October 2019 amounted to £1740.00.

Reasons for Decision

9. The Tribunal was satisfied that there was a Short Assured Tenancy Agreement in place between the parties and that the rent was £250.00 per calendar month.
10. The Tribunal was satisfied from the documents produced and the oral submissions of the Applicant's representatives that the Respondent had failed to make any payments of rent since January 2019 and that the rent that was

due by the Respondent to the end of October 2019 amounted to £1740.00 and that the Applicant was entitled to an order for payment in that amount.

Decision

11. The Applicant is entitled to an order for payment by the Respondent in the sum of £1740.00.

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.

G Harding



Legal Member/Chair



Date