

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 16 of the Housing (Scotland)
2014**

Chamber Ref: FTS/HPC/CV/18/0920

**Re: Property at 4 Park Avenue, Top right Flat, Dundee, DD4 6PW (“the
Property”)**

Parties:

**Area Estates Limited (Previously Flats 4 U Limited), c/o Pavillion Properties, 86
Bell Street, Dundee, DD1 1HN (“the Applicant”)**

**Mr Gerald Malone, 4 Park Avenue, Top right Flat, Dundee, DD4 6PW (“the
Respondent”)**

Tribunal Members:

Valerie Bremner (Legal Member) and Melanie Booth (Ordinary Member)

Decision (in absence of the Respondent)

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

The Tribunal considered an application brought in terms of Rule 70 (Application for civil proceedings in relation to a short assured tenancy under the Housing (Scotland) Act 1988) of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended.

The Applicant provided the Tribunal with a copy of the short assured tenancy agreement and a schedule of unpaid rent.

The Applicant did not attend the Hearing but was represented by Stephen Forsyth of Muir Myles Laverty Solicitors, Dundee.

The Respondent did not attend the Hearing on 3rd August 2018 although the application and supporting documents together with notice of the date of the Tribunal had been validly served on him and the Hearing was presented with executions of

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service of these documents. The Tribunal was asked to proceed in the absence of the Respondent in terms of the Tribunal rules and was content to proceed.

Discussion at Hearing

The Applicant's Representative advised the Hearing that the Respondent was due to pay rent of £325 per calendar month in terms of the tenancy agreement between the parties and had paid no rent since August 2017. The Respondent had paid rent of only £480 in total since the tenancy started in June 2017. The Hearing was referred to the schedule of rent arrears produced.

The Hearing was advised that the Applicant understood that the Respondent was not in receipt of nor entitled to Housing Benefit or Universal Credit at any point during the tenancy.

The Applicant's representative advised the Hearing that the sum being sought in unpaid rent was the sum of £2669.38 as stated within the application.

Findings in Fact

The Tribunal found that the Respondent had paid no rent to the applicant in respect of the tenancy since August 2017 and that the sum of £2669.38 in rent is outstanding in terms of the tenancy agreement as of the date of application.

Reasons for Decision

The Tribunal was satisfied that the sum of £2669.38 is owed by the Respondent to the Applicant in respect of rent lawfully due in terms of the tenancy agreement for the property at 4 Park Avenue Top Flat Right Dundee DD4 6PW.

Decision

The Tribunal made a payment order by the Respondent to the Applicant in the sum of £2669.38.

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.

Valerie Bremner

Legal Member/Chair

3/8/18

Date