

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 Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/19/2237

Re: Property at 14F Moncur Crescent, Dundee, DD3 8AA (“the Property”)

Parties:

Mr Graeme Barr, 63 Kilmany Road, Wormit, DD6 8PH (“the Applicant”)

Miss Reagen Wishart, G/2, 192 Strathmartine Road, Dundee, DD3 8DG (“the Respondent”)

Tribunal Members:

Josephine Bonnar (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment in the sum of £1977 should be made in favour of the Applicant.

Background

1. By application dated 9 July 2019 the Applicant seeks an order for payment against the Respondent in relation to arrears of rent. The Applicant lodged documents in support of the application including copy tenancy agreement and copy bank statements.

2. A copy of the application and supporting documents were served on the Respondent by Sheriff Officer on 20 August 2019. Both parties were notified that a Case Management Discussion (“CMD”) would take place by conference call on 23 September 2019.

3. The application called for a CMD on 23 September 2019. Neither party took part in the conference call. The Legal Member adjourned the CMD to a further CMD on 11 November 2019. Both parties were notified of the new date and time for the

adjourned CMD.

4. The application called for a further CMD by conference call on 11 November 2019. The Applicant participated in the CMD. The Respondent did not participate.

Case Management Discussion

5. Mr Barr advised the Legal Member that he was seeking an order for payment for the Respondent in the sum of £1977. He advised that he had previously made an application for a payment order and an eviction order. The previous payment order related to arrears of rent owed by the Respondent up to 28 November 2019, being the last instalment of rent due prior to his previous application being lodged. He advised that the Respondent vacated the property on 9 May 2019. He was therefore seeking the arrears due from 28 November 2019 until 9 May 2019. Since the tenancy ended, he has applied the deposit paid by the Respondent to the rent arrears. The balance owing after deduction of the deposit is £1977, which is the sum claimed. He confirmed that he has had no contact from the Respondent since she vacated the property and no payments to the arrears of rent have been received.

Findings in Fact

6. The Applicant is the owner and landlord of the property.

7. The Respondent is the former tenant of the property.

8. The tenancy ended on 9 May 2019 when the Respondent vacated the property.

9. The Respondent failed to pay the rent due of £450 per calendar month between the 28 November 2018 and 9 May 2019.

10. The Respondent owes the Applicant the sum of £1977 in unpaid rent.

Reasons for Decision

11. The Legal Member is satisfied that the sum of £1977 in unpaid rent is owed to the Applicant and that an order for payment should be made.

Decision

12. The Tribunal determined that an order for payment in the sum of £1977 should be made against the Respondent in favour of the Applicant.

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.

J Bonnar

Josephine Bonnar
Legal Member

11 November 2019