

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)
Act 2014**

Chamber Ref: FTS/HPC/CV/18/2985

Re: Property at 25C St Mungo Terrace, Dundee, DD3 9NE ("the Property")

Parties:

Reese Investments Ltd, 309 Strathmartine Road, Dundee ("the Applicant")

**Miss Stacey Davie, 25C St Mungo Terrace, Dundee, DD3 9NE ("the
Respondent")**

Tribunal Members:

Petra Hennig-McFatridge (Legal Member)

Decision (in absence of the Respondent)

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

The Applicant is seeking an order for payment of rent arrears for the property. An application in terms of Rule 70 (Civil Proceedings) was received by the Tribunal on 5 November 2018 and the sum outstanding stated as at the time of the application was £4,500, based on a monthly rent of £450.

The application included as documents copy land certificate showing as owners of the property Lee Ford Brown and Janette Elizabeth Brown, copy Short Assured Tenancy Agreement dated 15.8.2016, Copy AT5 dated 15.8.2016, copy confirmation of assignation of lease from Lee Ford Brown and Janette Elizabeth Brown to Reese Investment Limited (Company Number SC451669) dated 3 October 2018 and a rent statement showing the calculation of the sum sought.

A Case Management Discussion was scheduled for 28 November 2018 at 11.30 am. The Respondent was served with the notification of the date and time and venue of the Case Management Discussion as well as with the application and accompanying documents by Sheriff Officers on 9 November 2018.

The Respondent was advised that the Tribunal may do anything at a Case Management Discussion which it may do at a hearing, including making a decision on the application.

The Respondent had been given the 14 days notice required in Rule 24 of the Rules of Procedure. No representations were received from the Respondent and she did not attend the Case Management Discussion.

In terms of Rule 29 the hearing thus took place in her absence.

The Hearing:

Mr MacRae, legal Representative for the Applicant stated that the Applicant was seeking payment of £4,500, which represents 10 months rent. The rent statement showed that rent had been paid until January 2018 but no further payments had been received for 10 months, including the rent due in advance for November 2018 as per the Tenancy Agreement Clause 2 (ii).

The Tribunal concluded that as the facts in this case were not disputed by any representations from the Respondent, it was not necessary to adjourn the case to a further hearing.

Findings in Fact:

1. Mr and Mrs Brown and the Respondents entered into a Short Assured Tenancy on 15 August 2016 for one year with tacit relocation from year to year. This lease has now been assigned to the Applicant, a limited company
2. The monthly rent is £450 Pounds Sterling per calendar month payable in advance on the 1st day of each calendar month (page one and Clause 2 (ii) of the tenancy agreement).
3. For 2018 only the January payment of rent was received and no payments were made for February, March, April, May, June, July, August, September, October and November.
4. The Respondent still resides in the property.
5. The arrears of rent as at the date of the Case Management Discussion are 10 x £450 = £4,500

Reasons for the Decision:

The Tribunal make the decision on the basis of the written evidence lodged by the Applicant. There is no dispute about the facts of the case. The rent outstanding as per the application was £4,500. No further payments of rent were made. There was

no valid defence to the action. It is not in disputed that the sum applied for is due to the Applicant. The application was for payment of the outstanding sum and this had been intimated to the Respondent, who had fair notice of the application. The sum of £4,500 is due by the Respondent to the Applicant for the rental payments of February 2018 to November 2018.

Decision:

The order for payment of the sum of £4,500 to the Applicant is granted against the Respondent.

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.

Petra Hennig-McFatridge

Legal Member/Chair

28.11.18

Date