



**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/18/1758

Re: Property at 21 Balmoral Gardens, Dundee, DD4 8SB (“the Property”)

Parties:

CRS (Scotland) Ltd, 10 Challum Loan, Broughty Ferry, Dundee, DD5 3UT (“the Applicant”)

Mr Lewis Grant, 20 Clattowoods Drive, Dundee, DD3 9SF (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent for payment of the undernoted sum to the Applicant:

**THREE THOUSAND FIVE HUNDRED AND EIGHTY FIVE POUNDS (£3585)
STERLING**

- Background

An application was submitted by the Applicant under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The application sought payment against the Respondent in the sum of THREE THOUSAND FIVE HUNDRED AND EIGHTY FIVE POUNDS (£3585) STERLING in respect of rent arrears arising from a tenancy agreement between the parties.

- The Case Management Discussion

A Case Management Discussion took place on 25 September 2018. The Case Management Discussion was due to call at 11.30am however there was no appearance by either party. Following a phone call to the Applicant’s representative, Mr Robert Ramsay of Westburn Services, the Tribunal was advised by the

representative that they were unaware of the Case Management Discussion date but that they could attend shortly. Accordingly, the Case Management Discussion was adjourned until 12pm to allow the Applicant to be represented. When the Case Management Discussion called again at 12pm, Mr Robert Ramsay of Westburn Services appeared on behalf of the Applicant. There was still no appearance by or on behalf of the Respondent.

Mr Ramsay advised the Tribunal, that the Respondent had removed from the property on 30 June 2018. The tenancy agreement had originally been in joint names between the Applicant and the Respondent and a Miss Gemma Kirkby as tenants. The said Miss Kirkby removed from the property in or around 2016 and the rent arrears accrued following her departure. There had been no contact from the Respondent since the application was raised, nor since his departure from the property on 30 June 2018. The Respondent's deposit had been returned to the Applicant, in the sum of £225. Accordingly, Mr Ramsey moved for a Payment Order to be granted in the reduced sum of THREE THOUSAND FIVE HUNDRED AND EIGHTY FIVE POUNDS (£3585) STERLING.

- Findings in Fact

1. The parties entered into a tenancy agreement which commenced 18 June 2009 and terminated on 30 June 2018.
2. The Respondent was obliged to make payment of rent in the sum of £475 per calendar month under the terms of said tenancy agreement.
3. The Respondent had defaulted in his obligations to pay rent lawfully due and at the termination of the tenancy the sum of £3810 was due to be paid to the Applicant
4. The Applicant had received repayment of the Respondent's deposit in the sum of £225.
5. The net arrears balance of £3585 was due to be paid by the Respondent.

- Reasons for Decision

The Tribunal was satisfied that the Respondent was contractually obliged to make payment of rent in the sum of £475 per calendar month under the terms of the said tenancy agreement and that he had failed to do so. The Tribunal was satisfied that the sum of £3585 remained due to be paid by the Respondent.

- Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an order is granted against the Respondent for payment of the undernoted sum to the Applicant:

THREE THOUSAND FIVE HUNDRED AND EIGHTY FIVE POUNDS (£3585)
STERLING

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.

Fiona Watson

Legal Member/Chair

25/9/18

Date