



**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/18/1819**

**Re: Property at 22 Flat G/1 Park Avenue, Dundee, DD4 6LU (“the Property”)**

**Parties:**

**Northern Housing Company Limited, 1 Explorer Road, Dundee, DD2 1EG (“the Applicant”)**

**Mr Michael Stewart, 22 Flat G/1 Park Avenue, Dundee, DD4 6LU (“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 should be granted against the Respondent for payment of the undernoted sum to the Applicant:**

**Sum of TWO THOUSAND NINE HUNDRED AND TWENTY ONE POUNDS (£2921) 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 TWO THOUSAND NINE HUNDRED AND TWENTY ONE POUNDS (£2921) 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. Mr Neil Mathieson of TC Young Solicitors appeared on behalf of the Applicant. There was no appearance by or on behalf of the Respondent.

Mr Mathieson advised the Tribunal that the Respondent was believed still to be residing in the property. There had been no contact from the Respondent since the application was raised. The arrears of rent due under the tenancy agreement had increased as at the date of the Case Management Discussion to the sum of £3554.74. Accordingly, Mr Mathieson moved for a Payment Order to be granted in the sum of TWO THOUSAND NINE HUNDRED AND TWENTY ONE POUNDS (£2921) STERLING as sought in the application.

- Findings in Fact

1. The parties entered into a tenancy agreement which commenced 3 April 2017. Said tenancy is still ongoing at the date of the Case Management Discussion.
2. The Respondent is obliged to make payment of rent to the Applicant in the sum of £316.87 per calendar month under the terms of said tenancy agreement.
3. The Respondent has defaulted in his obligations to pay rent lawfully due and at the date of the Case Management Discussion the sum of £3554.74 is due to be paid to the Applicant

- Reasons for Decision

The Tribunal was satisfied that the Respondent is contractually obliged to make payment of rent in the sum of £316.87 per calendar month under the terms of the said tenancy agreement and that he has failed to do so. The Tribunal was satisfied that the sum of £2921 as sought in the application 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 should be granted against the Respondent for payment of the undernoted sum to the Applicant:

**TWO THOUSAND NINE HUNDRED AND TWENTY ONE POUNDS (£2921)  
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

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Legal Member/Chair

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Date

25/9/18.