

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/21/0120**

**Re: Property at Ground Right, 24 Forest Park Road, Dundee, DD1 5NX ("the Property")**

**Parties:**

**Mr Malcolm Daw, Mrs Susan Daw, Lisdon, Low Road, Westmuir, Kirriemuir, DD8 5LN ("the Applicant")**

**Mr Robert Donnelly, Mrs Amanda Donnelly, Ground Right, 24 Forest Park Road, Dundee, DD1 5NX ("the Respondent")**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Helen Barclay (Ordinary Member)**

**Decision (in absence of the Respondent)**

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

**Background**

This Application called for a Case Management Discussion on 18 March 2021 by conference call at 10am. The case called alongside a related Application with reference FTS/HPC/CV/21/0121 in respect of an Eviction Order. The Applicants were personally present on the call and ready to proceed with the Application. There was no appearance by or on behalf of the Respondents. Sheriff Officers had served the Application and details of how to join the conference call on the Respondents on 12 February 2021. The Tribunal therefore considered it fair to

proceed to hear the Application in their absence. The Applicants were seeking a Payment Order of £3,060.00.

### **Case Management Discussion**

The Applicants had produced a tenancy agreement between themselves and the Respondents in respect of the Property. The Applicants had produced rent statements purporting to evidence the arrears claimed which now exceeded the sum claimed. The rent statement showed that the sum of £3,060.00 appeared to be owed in addition to further sums not subject to this Application.

The Applicants had also adequately taken steps to identify whether there were any issue regarding state benefits that were causing difficulties with the payment of rent and had sent information to the Respondents advising them of methods of securing assistance with such matters.

### **Findings in Fact**

Having heard from the Applicants, the Tribunal made the following findings in fact.

- I. There was a Private Residential Tenancy between the parties in respect of the Property;
- II. The Applicants were the Landlords and the Respondents were the Tenants in respect of this tenancy;
- III. The Respondents fell into rent arrears;
- IV. The contractual monthly rent due was £510.00 and there were now rent arrears lawfully due to the Applicants but unpaid;
- V. It was reasonable for a Payment Order to be granted;
- VI. The Respondents had not cooperated or communicated with the Applicants or identified any reason for the non-payment of rent.

### **Reasons for Decision**

Having made the above findings in fact, the Tribunal granted the Application and made a Payment Order in the sum of £3,060.00 with interest to run on that sum at the rate of 5 per cent per year from today's date until payment.

## **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.**

**18/03/21**

**Legal Member/Chair**

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**Date**