



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 (Act)

Chamber Ref: FTS/HPC/CV/22/1635

Re: Property at 28b Hill Street, Dundee, DD3 6RR (“the Property”)

Parties:

Mr Akbar Ali, 29 Provost Walk, Monifieth, Angus, DD5 4SJ (“the Applicant”)

Mr Leian Egbert, 28b Hill Street, Dundee, DD3 6RR (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member) and Helen Barclay (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment be granted in the sum of £11,704.

Background

This is an application under Rule 111 of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (Rules)* and section 71(1) of the Act in respect of a claim for payment of alleged rent arrears.

The Tribunal had regard to the following documents:

1. Application received 26 May 2022;
2. Tenancy Agreement (**TA**) commencing 11 August 2019;
3. Rent Arrears Statement;
4. Pre Action Letters;
5. Certificate of Service of Tribunal CMD Notification on the Respondent by Sheriff Officers dated 28 October 2022;
6. Updated Schedule of Rent Arrears as at date of CMD.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 7 December 2022. The Applicant did not participate but was represented by their Solicitor. The Respondent participated but was not represented.

The Tribunal informed the Parties that it could determine the matter if it considered it had sufficient information to do so and the procedure was fair.

The Applicants' Representative had produced a Schedule of Rent Arrears as at 20 May 2022. It disclosed that the amount of arrears had increased to £10,404.20 as at that date. When the Notice to Leave had been served the arrears were £9,985.97. Currently, the arrears had increased to in excess of £11,704.

The Respondent confirmed the amount of the rent arrears and did not oppose the Order being granted.

The Tribunal ascertained that the Respondent lived alone, he had fallen on hard times and was suffering from depression and a knee/ligament injury. He is a single man with no dependents in the Property.

The Applicant's Representative submitted that the Order for payment should be granted.

The Tribunal then considered the documentary evidence it had received and the submissions made. In so far as material the Tribunal made the following findings in fact:

1. The Parties let the subjects under a TA commencing 11 August 2019;
2. The monthly rent was £450;
3. As at the date of the CMD the Respondent was in arrears of rent in the sum of £11,704.

Decision and Reasons

The Tribunal was satisfied that in the circumstances the Applicant was due the outstanding rent from the Respondent and granted the order sought.

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.

07 December 2022

Legal Member/Chair

Date