



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/23/0931

Re: Property at 43/1/1 Lyon Street, Dundee, DD4 6RA (“the Property”)

Parties:

Mrs Khaleda Solaiman, 10 Cults Garden, Broughty Ferry, Dundee, DD5 1QT (“the Applicant”)

Mr Frazer Dewar, 43/1/1 Lyon Street, Dundee, DD4 6RA (“the Respondent”)

Tribunal Members:

Lesley-Anne Mulholland (Legal Member) and Eileen Shand (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Order for Possession as the Parties had reached an agreement between them.

1. This is an application under Section 51 of the Private Housing (Scotland) Act 2016 for an Order for Possession because of rent arrears under Ground 12 of Schedule 3.
2. The Applicant is the owner and Landlady. The Respondent is the tenant. He entered into a tenancy agreement on 5 May 2021. The tenancy agreement specifies that £425 is due in respect of rent each calendar month, payable in advance.
3. The ground relied upon by the Applicant is Ground 12 which provides the Tribunal with discretion to grant an order if satisfied that rent arrears have accrued of more than three months and it is reasonable to grant the Order.
4. A two-member Case Management Discussion (CMD) took place at 1400 hrs on 12 June 2023 by teleconference. The Applicant failed to appear without excuse.

The Respondent was represented by Ms Prochalska, from Shelter Scotland Housing Law Service. The Respondent was not present. We waited until 1415 hours before commencing the discussion to allow time for the Applicant to appear. No contact had been made by the conclusion of the discussion at 1430 hours. The application was continued to a hearing.

5. A hearing took place on 28 August 2023 by Videolink. The Applicant was assisted by her daughter and represented by Mr Lawson, Solicitor. The Respondent was not present. He was represented by Miss Prochalska, Solicitor.
5. The Parties have reached an agreement. The Respondent is no longer objecting to the granting of the Order for Possession on the basis that it will not be enforced by the Applicant as long as payments to rent and arrears are maintained by the Respondent as agreed.
6. The rent arrears currently stand at £2013.76. Agreement has been reached that the Respondent will pay £200 per month towards the arrears and meet his ongoing rent liability. The Respondent agrees that an Order for Payment should be made in the sum of £2013.76 with time to pay.
7. Accordingly, an Order for Possession is granted.

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.

Lesley-Anne Mulholland

Legal Member/Chair

Date: 28 August 2023