



**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/20/2436**

**Re: Property at 3/3 4 Isla Street, Dundee, DD3 7HT (“the Property”)**

**Parties:**

**Mr James Dignan, 66 Monifieth Road, Broughty Ferry, Dundee (“the Applicant”)**

**Mr Sean Henderson, 3/3 4 Isla Street, Dundee, DD3 7HT (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member)**

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

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

**1. Background**

**This Application is for a Payment Order in respect of rent arrears said to have been accrued by the Respondent in respect of a Private Residential Tenancy between the parties.**

**2. The Case Management Discussion**

**The Application called for a Case Management Discussion by conference call at 2pm on 14 January 2021. The Applicant was represented by Mr David Wilkie of The Property Management Company. There was no appearance by or on behalf of the Respondent. The Application and details of how to join the**

conference call were served on the Respondent by Sheriff Officers on 9 December 2020. The Tribunal was therefore satisfied that it was fair to proceed to hear the Application in the absence of the Respondent.

### 3. Findings in Fact

Having considered the Application and having heard from Mr Wilke, the Tribunal made the following findings in fact.

- I. *The parties entered into a Private Residential Tenancy in respect of the Property that commenced on 30 May 2018.*
- II. *The Applicant is the landlord and the Respondent is the tenant in respect of that Private Residential Tenancy.*
- III. *The monthly rent due by the Respondent to the Applicant in terms of the tenancy is £340.00.*
- IV. *The Respondent fell into rent arrears.*
- V. *As at today's date, the Respondent owes the Applicant the sum of £990.00 in rent that is lawfully due but remains unpaid.*

### 4. Decision

Having made the above findings in fact, the Tribunal granted the Application to the extent of making a Payment Order in favour of the Applicant against the Respondent in the sum of £990.00.

Having heard further from Mr Wilke, the Tribunal also determined that interest should run on that sum at the rate of 5.25 % per year from today's date until the date of 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.

**Andrew McLaughlin**

14 January 2021

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Legal Member

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Date