



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/23/2939

Re: Property at 27 Rosemount Buildings, Midlothian, Edinburgh, EH3 8DB (“the Property”)

Parties:

Ms Julie Clamp, C/O Clarity Simplicity Limited, 34 Woodlands Road, Glasgow, G3 6UR (“the Applicant”)

Mr Murat Oztas, 27 Rosemount Buildings, Midlothian, Edinburgh, EH3 8DB (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member) and Ahsan Khan (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondent to the Applicant in the sum of £13500.00.

Background

1. By application dated 24 August 2023 the Applicant’s representatives, Clarity Simplicity Limited, Glasgow applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondents’ tenancy of the property. The Applicant’s representatives submitted a copy of the tenancy agreement together with a rent statement and a pre-action protocol letter in support of the application.

2. By Notice of Acceptance dated 11 September 2023 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion ("CMD") was assigned.
3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 26 October 2023.
4. A CMD was held by teleconference on 30 November 2023. The Applicant did not attend but was represented by Mr Scott Stevenson from the Applicant's representatives. The Respondent attended in person. The Tribunal continued the application to a video hearing as it required further information and there was a material dispute in fact about cash payments not included in the rent statement. The Tribunal issued directions to the parties to lodge submissions and evidence in advance of the hearing. The application was conjoined with application FTS/HPC/EV/23/2938.
5. By email dated 27 February 2024 the Applicant's representative applied to amend the sum claimed to £22200.00.
6. By email dated 12 March 2024 the Respondent submitted written representations in response. The Respondent also submitted a postponement request that was refused by the Tribunal.

The Hearing

7. A video hearing was held on 19 March 2024. The Applicant attended in person and was again represented by Mr Stevenson. The Respondent also attended in person.
8. The Tribunal noted at the commencement of the hearing that the Respondent accepted that he owed the Applicant rent. He disputed that he owed the amended sum of £22200.00 but accepted that he owed £13500.00.
9. Following a short adjournment to take instructions from his client Mr Stevenson advised the Tribunal that in order to bring matters to a conclusion the Applicant was prepared to accept the Respondent's offer to agree to an order for payment in the sum of £13500.00.

Findings in Fact

10. The parties entered into a Private Residential Tenancy agreement that commenced on 28 June 2018 at a rent of £400.00 per calendar month.
11. The Respondent has fallen into arrears of rent and has accepted he owes rent of £13500.00.

Reasons for Decision

12. The Applicant's representative submitted a rent statement that showed that the Respondent owed rent of £22200.00. The Respondent disputed that he owed as much as this but acknowledged he owed £13500.00. Whilst not agreeing with the Respondent's position the Applicant decided to accept an order for payment in the reduced sum of £13500.00 in order to bring matters to a conclusion. The Tribunal noted the Applicant's position and determined to grant an order for payment in the sum of £13500.00.

Decision

13. The Tribunal having heard from both parties and the Applicant's representative finds the Applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £13500.00.

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.

G Harding

Legal Member/Chair

19 March 2024
Date