

**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014**

**Chamber Ref: FTS/HPC/CV/19/1406**

**Re: Property at 15 Granton Gardens, Granton, Edinburgh, EH5 1AX (“the Property”)**

**Parties:**

**Gibbins Property Edinburgh Limited, 15 Atholl Crescent, Edinburgh, EH3 8HA (“the Applicant”)  
(Represented by Mc Nicola Caldwell, TC Young, Solicitors, Glasgow)**

**Mr Grant McArdle, 15 Granton Gardens, Granton, Edinburgh, EH5 1AX (“the Respondent”)**

**Tribunal Member:**

**Gillian Buchanan (Legal Member)**

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

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

**Background**

- The Applicant is in right of the landlord’s interest in the Property.
- The Respondent is the tenant of the Property in terms of a Short Assured Tenancy Agreement dated 23 June 2017.
- The initial term of the tenancy was agreed to be from 23 June 2017 to 23 December 2017.
- In terms of the tenancy it was agreed that on the expiry of the initial term the tenancy would continue on a month to month basis, being from the 24<sup>th</sup> day of December 2017 to 23 January 2018 and monthly thereafter, until terminated.
- In terms of the tenancy rent payable by Respondent was agreed to be £625 per calendar month, payable on or before the 23<sup>rd</sup> day of each month.
- Rent arrears have accrued and as at the date of this application the total sum due was stated to be £3,750.
- The Respondent has had due intimation of this application, the papers having been served by Sheriff Officers on 31 May 2019.

**The Case Management Discussion**

At the Case Management Discussion, Ms Caldwell representing the Applicant explained that:-

- The Respondent is understood still to be in occupation of the Property.
- When the tenancy was entered into the managing agent for the landlord was Crombie & Co Property Management (“Crombie”).
- Crombie merged with the current managing agents, Murray & Currie, Edinburgh on 10 September 2018.
- Approximately one month prior to the merger, the Respondent was advised of the bank account into which future rental payments should be made.
- The Respondent has subsequently made payments into that account.
- The date upon which rent fell due for payment was changed previously by Crombie to the 1<sup>st</sup> of each month and an apportionment exercise took place to facilitate that change. Rent has since been due on a calendar monthly basis.
- The Applicant’s agent emailed the tribunal on 5 June 2019 seeking to amend the sum claimed in the application to £4,551.67 in terms of Rule 14A of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”).
- On 5 June 2019 the Applicant’s agent wrote to the Respondent by first class and recorded delivery post intimating the amendment sought.
- The Respondent has since made payments towards the rent arrears and as at the date of the Case Management Discussion the arrears are £3,998.38.

#### **Reasons for Decision**

- There exists between the parties a Short Assured Tenancy.
- Rent arrears have accrued.
- As at the date of the application the rent arrears were £3,750.
- As at 5 June 2019 the rent arrears had increased to £4,551.67.
- The Applicant has properly sought an amendment to the sum claimed in this application to £4,551.67 all in terms of Rule 14A of the Rules.
- The Respondent has reduced the arrears to £3,998.38.
- The Respondent has had due intimation of this application in terms of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017.

#### **Decision**

- The Applicant is entitled to amend the sum claimed in this application and the tribunal allows the sum claimed to be amended to £4,551.67.
- The Applicant is entitled to payment of the arrears sought, namely £3,998.38, and the tribunal therefore made an order to that effect.

#### **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 Buchanan**

Legal Member/Chair

3 July 2019.

Date