



**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/18/0381**

**Re: Property at Flat 3, 29 Regent Terrace, Edinburgh, EH7 5BS (“the Property”)**

**Parties:**

**Mr Jan Ordoqui, Mrs Hilary Ordoqui, 13 Rue De Grassi, Bordeaux 33000,  
France (“the Applicants”)**

**Mr Adil Mahmood, Flat 3, 29 Regent Terrace, Edinburgh, EH7 5BS (“the  
Respondent”)**

**Tribunal Members:**

**George Clark (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that the Applicants’ request for an Order for payment of  
rent arrears amounting to Four Thousand Two Hundred and Fifty Pounds  
(£4,250) should be granted and that the request for an Order in respect of the  
difference between the amount of the rent arrears and the rental sums  
obtained by the Respondent from sub-letting the Property should be refused.**

- **Background**

The Applicants sought an Order from the Tribunal in respect of rent arrears due by the Respondent in respect of his lease of the Property dated 4 May 2017. They provided rental statements showing payments of rent for the period from 4 May to 3 October 2017 inclusive, but stated in the application that no rent had been paid since then.

The rent payable for the Property was £850 per calendar month, payable on the fourth day of the month.

By letter dated 5 April 2018, the Respondent was invited to make written representations in response to the application by 23 April 2018 and was given reasonable notice of the date, time and place of a Case Management

Discussion to be held on 30 April 2018. The applicant made no written representations to the Tribunal.

A Case Management Discussion was held at George House, 126 George Street, Edinburgh on 30 April 2018. The Landlords attended the Case Management Discussion. The Tenant was not present or represented.

- **Findings in Fact**

The Tribunal finds that the Tenant has not paid the rent lawfully due for the Property for the period from 4 October 2017 to 3 February 2018.

- **Reasons for Decision**

The Tribunal was satisfied that the sums requested in the application were lawfully due and that the Respondent had offered no explanation for his failure to make payment. He had stated in an e-mail to the Applicants' letting agents (and produced to the Tribunal with the Application) dated 20 October 2017 that, as he had been served with a Notice to Quit, he was withholding his rent and would remain in the Property. The Tribunal determined, therefore, that he was aware of the debt and had made the decision to stop paying rent and that he had no lawful excuse for failing to make the rental payments which were the subject of the application.

The Tribunal explained to the Applicant that it did not have power to make any Order in respect of any sums that the Respondent may have received in connection with unauthorised sub-letting of the Property and that this element of the Application would be refused.

The Tribunal held that in the circumstances narrated in the Application and not contested by the Respondent, it was not necessary to hold a Hearing in order to determine the application and determined to make a Decision in terms of Regulation 17(4) of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

- **Decision**

The Tribunal determined that The Order sought in the Application for payment by the Respondent to the Applicant of Four Thousand Two Hundred and Fifty Pounds should be 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.

George Clark

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Legal Member/Chair

30 April 2018  
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Date