

Housing and Property Chamber
First-tier Tribunal for Scotland



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: Reference number: FTS/HPC/CV/19/1705

Property at 5/7 Roseburn Street, Edinburgh

Parties:

Solenglen Ltd, a company incorporated by the Companies Acts and having their place of business at 90 Mitchell Street, Glasgow (“the Applicant”)

Wesley Robinson, residing at 5/7 Roseburn Street, Edinburgh (“The Respondent”)

Tribunal Members:

Paul Doyle (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be made.

Background

The Applicant sought an order for payment of rental arrears totalling £6,485. The Applicant had lodged with the Tribunal Form F. The documents produced were a Tenancy Agreement dated 05/01/2019, a notice to leave and a Notice in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003. A copy title sheet was lodged with the Tribunal which showed that Solenglen Limited is the heritable proprietor of the Property.

Case Management Discussion

A case management discussion took place before the Tribunal at 2.00pm on 5 November 2019 at the George House, George Street, Glasgow. The Applicant was represented by John Logan. Miranda Clappison and Richard Gracie, two of the tenants under the lease, also attended. There was no appearance by or on behalf of Wesley Robinson, the Respondent.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Private Rented Tenancy Agreement for the Property on 05/01/2019. There were three other tenants on the lease, each with their own share of apportioned rent set out in clause 8 of the lease.
2. One of the tenants, Finlay McMillan voluntarily vacated the property some months ago removing his possessions and surrendering his key to the applicant.
3. The respondent agreed to pay rental of £625 per calendar month to the applicant. The respondent had an earlier tenancy agreement with the applicant in which rental arrears of £1,652 had accumulated. Between 05/01/2019 and 01/11/2019 the respondent failed to make full payments of rental so that each month arrears of rental increased. By 01/11/2019 the respondent owed the applicant £6,485.00 in unpaid rental.
4. At the date of application, there were arrears of rental totalling £3,860. At today's date there are arrears of rental totalling £6,485.00
5. Notice of the date of this hearing was served on the Respondent by sheriff officers on 11 September 2019.

Reasons for the Decision

The Tribunal determined to make an Order for payment of £6,485.00. Rent was lawfully due in terms of clause 8 of the Tenancy Agreement at the rate of £625 per month. Since the start of the tenancy agreement the respondent has allowed arrears of rental to accumulate.

Decision

For the foregoing reasons, the Tribunal determined to make an Order for 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.

Paul Doyle

Legal Member

Date

5 November 2019