

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision 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/22/3992**

**Re: Property at Flat 1, Harvard House, Perth Airport, Scone, PH2 6PL (“the Property”)**

**Parties:**

**Morris Young Leslie, Errol Airfield, Errol, PH2 7TB (“the Applicant”)**

**Mr Omofolarin Babagbeminyi Osotimehin, Apartment 3, 77 Sorby Street, Parkhead, Glasgow, G31 5BL (“the Respondent”)**

**Tribunal Members:**

**Mark Thorley (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 by the Respondent to the Applicant of the sum of £3302.92 ( Three Thousand Three Hundrend and Nine Pounds and Ninety Pence ) be made.**

**BACKGROUND**

The applicant applied to the First Tier Tribunal for Scotland (Housing and Property Chamber)(‘The Tribunal’) by application dated 2<sup>nd</sup> November 2022.

Accompanying the application were the following documents:

- Copy private residential tenancy agreement
- Rent statement

In addition there were certain email correspondence between the applicant’s solicitors and the respondents.

On 3<sup>rd</sup> November 2022 the application was received by the Tribunal.

On 23<sup>rd</sup> November 2022 the application was accepted for determination.

The application was served by Sheriff Officers on the Respondent on 22<sup>nd</sup> December 2022.

The Respondent has provided no written response.

### **CASE MANAGEMENT DISCUSSION**

At a Case Management Discussion Ms Currie from Messrs. Blackadders LLP Solicitors represented the opponent. The Respondent was not present on the telephone.

Ms Currie indicated that she was looking for an order of payment of £3302.92. She made specific reference to correspondence sent to the Respondent in which the Respondent appeared to accept that he was due the outstanding rent and was in negotiation about setting up a payment plan to repay the outstanding sum.

### **FINDINGS IN FACT**

The Parties entered into a private residential tenancy agreement dated 20<sup>th</sup> March 2020 for the property at Flat 1 Harvard House, Perth Airport, Scone, PH2 6PL. Rent was due to be paid at the rate of £395 per calendar month payable monthly and in advance.

The lease ended on 21<sup>st</sup> November 2021.

Rent is due in the total sum of £3302.92

### **REASONS FOR DECISION**

The Applicant had provided sufficient paperwork to establish the rent was due. The Respondent had entered into written negotiations with the applicant's solicitors in which there was an acceptance of rent due and an offer to make payment by way of a payment plan.

The Respondent had provided no written response nor did he attend the Case Management Discussion.

The tribunal accepted the evidence provided by the Applicants representative.

### **DECISION**

To make an order for payment by the Respondent to the Applicant of the sum of £3302.92

## **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.**

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

20/02/2023

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Legal Member/Chair

\_\_\_\_\_  
Date