



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

**Chamber Ref: FTS/HPC/CV/21/0180**

**Property : Flat 6, 27 Waverley Park, Edinburgh EH8 8ES (“Property”)**

**Parties:**

**Ross Pearson, 3A Glyenyards Road, Bonnybridge, Falkirk FK4 2EA (“Applicant”)**

**The Flat Company, 61A Queen Street, Edinburgh EH2 4NA (“Applicant's Representative”)**

**Alistair Moir, Flat 6, 27 Waverley Park, Edinburgh EH8 8ES (“Respondent”)**

**Tribunal Members:**

**Joan Devine (Legal Member)**

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

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

**Background**

The Applicant sought an order for payment of £3,213.00 in respect of arrears of rent. The Applicant had lodged with the Tribunal Form F. The documents produced were: a Private Residential Tenancy Agreement dated 7 and 8 July 2020; a statement in respect of rent arrears as at 1 January 2021 and sheriff officer's execution of service certifying service of the Application on 12 February 2021.

**Case Management Discussion**

A case management discussion took place before the Tribunal on 16 March 2021 by teleconference. Matthew Wilcken and Lauren Mill of the Applicant's Representative was in attendance. There was no appearance on behalf of the Respondent. Ms Mill told the Tribunal that rent had not been paid since September 2020 aside from a payment to account of £412 on 27 October 2020 and a further £412 on 27 January 2021. She told the Tribunal that the Respondent had vacated the Property on 5 March 2021. The Applicant's Representative had provided to the Tribunal an updated statement of arrears on 10 March 2021 which showed rent due on 1 February 2021 of

£725 and rent due of £1116.94 on 1 March 2021 as well as a payment of £412 received on 27 January 2021. The updated statement of arrears had been sent to the Respondent on 11 March 2021. In those circumstances 14 day's notice of the increase in the sum claimed had not been given to the Respondent prior to the Case Management Discussion in terms of rule 14A of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Tribunal noted that once the credit of £412 received on 27 January 2021 was applied to the sum claimed in terms of the Application, a balance of £2,801.00 remained outstanding.

### **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a Private Residential Tenancy Agreement which commenced on 12 July 2020 ("Tenancy Agreement").
2. The rent in terms of the Tenancy Agreement was £725 per month.
3. The Respondent had failed to make payment of the rent due for the period 1 September 2020 to 1 January 2021 aside from two payments to account each of £412 paid on 27 October 2020 and 27 January 2021.

### **Reasons for the Decision**

Rent was due in terms of the Tenancy Agreement. Rent for the period September 2020 to January 2021 had not been paid. The Tribunal determined to make an Order for payment of £2,801.00.

### **Decision**

The Tribunal grants an order for payment of £2,801.00.

### **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.**

**Joan Devine  
Legal Member**

**Date : 16 March 2021**