



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

Chamber Ref: FTS/HPC/CV/20/1739

Re: Property at 134/5 Gorgie Road, Edinburgh, EH11 2NS (“the Property”)

Parties:

**Ms Louisa Fernandez Roberts residing at Abel Tasmanstraat 32, 4702 TM
Roosendaal, The Netherlands (“the Applicant”)**

**Mr Paul Anderson, residing at 134/5 Gorgie Road, Edinburgh, EH11 2NS (“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 £4,450. The Applicant lodged Form F with the Tribunal on 18/08/2020. The documents produced were a Tenancy Agreement and schedule of unpaid rental. A copy title sheet was lodged with the Tribunal which showed that the applicant is the heritable proprietor of the Property.

Case Management Discussion

A case management discussion took place by telephone conference at 10.00am on 12 October 2020. The Applicant was represented by Ms K Wilson of Paris Steele, Solicitors. The hearing was delayed until 10.10am to allow sufficient time for the respondent to join the telephone conference, but there was no appearance by or on behalf of the Respondent. Notification of the time date and place of the hearing had been served on the respondent by Sheriff Officers on 11 September 2020.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Short-Assured Tenancy Agreement for the Property in February 2013.
2. The period of the Lease was from 2 February 2013 to 1 August 2013 and thereafter on a month to month basis.
3. The initial rent in terms of the Tenancy Agreement was £445 per month.
4. The Respondent failed to make payment of rent in March, April, August and September all 2019. The respondent has not paid any rent since January 2020. At the date of application, there were arrears of rental totalling £4,450. At today's date there are still arrears of rental totalling £4,450.00.

Reasons for the Decision

The Tribunal determined to make an Order for payment of £4,450. Rent was lawfully due in terms of clause 7 of the Tenancy Agreement at the rate of £445.00 per month. Throughout 2019 the tenant allowed arrears of rental to accumulate. The tenant has not paid any rental since 02/01/2020. At the date of application, there were arrears of rental totalling £4,450. At today's date there are still arrears of rental totalling £4,450.00.

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 12 October 2020