



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/20/1026

Re: Property at 302 (2F2) Leith Walk, Edinburgh EH6 5BU (“the Property”)

Parties:

Peter Burns, Longcroft Farm, Glasgow Road, Bonnybridge FK4 1QN (“the Applicant”)

Joanne Black, 302 (2F2) Leith Walk, Edinburgh EH6 5BU (“the Respondent”)

Tribunal Members:

John McHugh (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent should be ordered to pay the sum of £7650 to the Applicant.

Background

The Applicant holds the landlord's interest and the Respondent the tenant's interest under a private residential tenancy agreement dated 28 September 2018.

The Applicant claims that the sum of £7650 is outstanding by the Respondent to the Applicant in respect of unpaid rent.

The Case Management Discussion

A Case Management Discussion (“CMD”) took place by conference call on 12 August 2020. The Applicant was represented by his solicitor, Paul McIntosh. The

Respondent was neither present nor represented. The Tribunal was satisfied that notification of the hearing had been given to the Respondent. The Respondent has taken no part in any stage of the proceedings.

The Applicant had originally claimed the sum of rent outstanding at the time of application of £4800 but had sought to amend this on 10 July 2020 to £7650 and again to a higher amount on 9 August 2020 as the rent increased owing to the continued occupation and non-payment by the Respondent. Rule 14A of the Tribunal Procedure Rules require an amendment of this kind to be made 14 days in advance of the CMD and for the application to amend to be intimated to the Respondent. The first application to amend meets the requirements of Rule 14A. The second application to amend does not comply with the 14 day requirement. Accordingly, the second application to amend is refused. The Applicant is at liberty to raise a fresh application in respect of the sums concerned. The first application to amend is granted.

Findings in Fact

The Applicant holds the landlord's interest and the Respondent the tenant's interest under a private residential tenancy agreement dated 28 September 2018.

The Tenancy Agreement provides that rent is due at the rate of £950 per month.

The sum of £7650 is outstanding by the Respondent to the Applicant in respect of unpaid rent.

Reasons for Decision

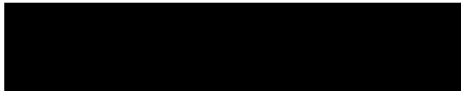
The Applicant has established that rent due under the tenancy agreement is unpaid to the extent of £7650. No counter argument has been presented and the Tribunal knows of none.

Decision

The Respondent should be ordered to pay to the Applicant the sum of £7650.

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.



John McHugh, Legal Member/Chair

12 August 2020
Date