



Decision with Statement of Reasons 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/21/0037

Re: Property at 148/8 Albert Street, Edinburgh, EH7 5LT (“the Property”)

Parties:

Rowena Roche, Mr Christopher Gladden, 17/3 Chester Street, Edinburgh, EH3 7RF (“the Applicant”)

Mr Scott Cook, 148/8 Albert Street, Edinburgh, EH7 5LT (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicants were entitled to an order for payment by the Respondent in the sum of £2600.00

Background

1. By application dated 4 January 2021 the Applicants applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondent’s tenancy of the property. They submitted a copy of the tenancy agreement together with a rent statement and copy email and text messages between the parties.
2. By Notice of Acceptance dated 19 January 2021 a legal member of the Tribunal accepted the application and a Case Management Discussion was assigned.
3. Intimation of the Case Management Discussion was sent to the Applicants by post on 26 January 2021 and to the Respondent by Sheriff Officers on 27 January 2021.

The Case Management Discussion

4. A Case Management Discussion was held by teleconference on 1 March 2021. The Applicants attended in person. The Respondent did not attend nor was he represented. The Tribunal on being satisfied that proper intimation of the Case Management Discussion had been given to the Respondent determined to proceed in his absence.
5. Ms Roche confirmed that following the Respondent falling into arrears in October 2020 he had on two occasions offered to bring the rent payments up to date by paying an additional £100.00 per month but had not in fact made any payments at all. She said that subsequently the Respondent had not responded to any emails or messages sent to him. He had corresponded with an electrician that had been sent to the property. Ms Roche said that she could tell from WhatsApp messages sent to the Respondent that he had read them but had not replied to them. She said she was aware that the Respondent had continued to reside in the property following a notice to Leave being served on him.
6. The Tribunal noted the terms of the tenancy agreement and that it had been amended to change the names of the landlords. It was noted that the rent was £650.00 per calendar month and that rent was outstanding for October November and December 2020 and January 2021. The Tribunal noted that the Applicants were seeking an order for payment in the sum of £2600.00.

Findings in Fact

7. The parties entered into a Private Residential Tenancy agreement that commenced on 7 May 2020 at a monthly rent of £650.00.
8. The Respondent has not paid any rent since 25 August 2020.
9. Rent is outstanding for October 2020 to January 2021 amounting to £2600.00.
10. The Respondent has failed to adhere to an agreed payment plan.

Reasons for Decision

11. The Tribunal was satisfied from the written submissions and the oral representations that the parties had entered into a Private Rented Tenancy Agreement at a monthly rent of £650.00.
12. The Tribunal was also satisfied that the Respondent had failed to pay any rent for the months commencing October 2020 to January 2021 amounting in total to £2600.00 despite entering into an agreed payment plan with the applicants. The tribunal was therefore satisfied that the applicants were entitled to an order for payment in the sum of £2600.00.

Decision

13. The Tribunal being satisfied it had enough information before it to make a decision without a hearing and having considered the written and oral submissions finds the Applicants entitled to an order for payment by the Respondent in the sum of £2600.00.

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.

G Harding

**Graham Harding
Legal Member/Chair**

**1 March 2021
Date**