



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017

Chamber Ref: FTS/HPC/CV/21/2629

Re: Property at Flat 4, 93 Dochart Drive, Drum Brae, Edinburgh, EH4 7LT (“the Property”)

Parties:

Mrs Laura Wood, 72 Silverknowes Gardens, Edinburgh, Midlothian, EH4 5NG (“the Applicant”)

Miss Sasha Muir, Mr Michael Crook, Formerly residing together at Flat 4, 93 Dochart Drive, Drum Brae, Edinburgh, EH4 7LT and whose current whereabouts are unknown (“the Respondents”)

Tribunal Members:

Fiona Watson (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondents for payment of the undernoted sum to the Applicant(s):

Sum of THREE THOUSAND THREE HUNDRED AND NINETY-FIVE POUNDS (£3,395) STERLING

- Background
- 1. An application was submitted to the Tribunal under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondents in relation to rent arrears accrued under a private residential tenancy agreement.

- The Case Management Discussion

2. A Case Management Discussion (“CMD”) took place on 14 February 2021. The Applicant was represented by Ms Tighe of Jackson Boyd Lawyers. There was no appearance by or on behalf of the Respondents. The application had been served by way of website advertisement between 10 January 2022 and 14 February 2021 under Rule 6A of the Rules, due to the current whereabouts of the Respondents being unknown. The Tribunal was accordingly satisfied that the CMD could proceed in the Respondents’ absence.

3. The Applicant’s representative moved for the order for payment to be granted in the sum of £3,395. The parties had entered into a Private Residential Tenancy Agreement which commenced 8 April 2020 and ended 26 July 2021. The Respondents had failed to make payment of rent and at end of the tenancy the arrears amounted to £3,395. There had been no contact from the Respondents since the end of the tenancy.

- Findings in Fact

4. The Tribunal made the following findings in fact:

- (i) The parties entered into a Private Residential Tenancy Agreement (“the Agreement”) which commenced 8 April 2020;
- (ii) In terms of Clause 8 of the Agreement, the Respondents were obliged to pay a monthly rent of £665 to the Applicant;
- (iii) The Respondents had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £3,395.

- Reasons for Decision

5. The Tribunal was satisfied that the Applicant was entitled to the sum as sought. The Respondents were contractually obliged to make payment of rent in the sum of £665 per month under Clause 8 of the Agreement and had failed to do so. They had accrued arrears amounting to £3,395 and which fell lawfully due to be repaid to the Applicant. Accordingly, the Applicant was entitled to the Order for Payment as sought.

- Decision

6. The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent(s) for payment of the undernoted sum to the Applicant(s):

Sum of THREE THOUSAND THREE HUNDRED AND NINETY-FIVE
POUNDS (£3,395) STERLING

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.

Fiona Watson

Legal Member/Chair

Date: 14 February 2022