



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)  
Act 2014**

**Chamber Ref: FTS/HPC/CV/22/1252**

**Re: Property at 39/7 Comely Bank Avenue, Edinburgh, EH4 1ES (“the Property”)**

**Parties:**

**Mr Russell Cooke, 44 Barnton Park View, Edinburgh, EH4 6HJ (“the Applicant”)**

**Mr Vilius Neviera, UNKNOWN, UNKNOWN (“the Respondent”)**

**Tribunal Members:**

**Alison Kelly (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 lodged an application on 3<sup>rd</sup> May 2022 under Rule 111 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) seeking payment of a sum of rent arrears.

Lodged with the Application, among other documents were:

1. Copy Short Assured Tenancy commencing 11<sup>th</sup> December 2020 showing a rent of £2400 per month
2. Rent Statement

The Application was served by advertisement on the Tribunal’s website.

ON 14<sup>th</sup> December 2022 the respondent sent an email to the tribunal saying that he was not able to attend and asking what he could do to close the case.

## **Case Management Discussion**

The Case Management Discussion (“CMD”) took place by teleconference. The Applicant represented himself and was supported by his letting agent, Mr Gladden. The Respondent did not attend and was not represented.

The Chairperson confirmed the purposes of a CMD in terms of Rule 17 of the Rules.

The Applicant said that he was seeking a payment order in the amount of £6834.59. The arrears at the time the tenancy came to an end, 5<sup>th</sup> May 2022, were £7622.59. The deposit, £3000, was lodged with a deposit scheme. It was returned to the Applicant, with £2212 being towards cleaning and maintenance and the remaining £788 towards arrears. The outstanding balance was therefore £6834.59.

The Applicant confirmed that the respondent had not, at any time during the tenancy, made any complaint or sought any repairs. He had made several proposals to clear the arrears but had not stuck to them.

In the circumstances the Tribunal was satisfied that it had sufficient information to make a decision and did not need to continue the CMD for the Respondent’s attendance.

## **Findings in Fact**

1. The parties entered in to a tenancy agreement for rent of the property;
2. The monthly rent was £2400;
3. The tenancy came to an end on 5<sup>th</sup> May 2022
4. The rent arrears owed were £7622.59;
5. The deposit was returned to the Applicant with £788 being towards the arrears;
6. The outstanding balance was £6834.59.

## **Reasons for Decision**

The Respondent owes rent to the Applicant as at in the amount of £6834.59

## **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.**

**Alison Kelly**

**15/12/2022**

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**Legal Member/Chair**

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**Date**