

**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/22/3139**

**Re: Property at 6/9 New Mart Place, Edinburgh, EH14 1TX (“the Property”)**

**Parties:**

**Miss Nicola Hamilton, 1 Newfoundland Place, Apartment 5310, Canary Wharf, London, E14 4BW (“the Applicant”)**

**Miss Gabriela Alarcon, Mr Samir Cebada El Idrissi, 8-6 Wardlaw Place, Edinburgh, EH11 1UB (“the Respondents”)**

**Tribunal Members:**

**Ms H Forbes (Legal Member)**

**Decision (in absence of the Respondents)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in favour of the Applicant in the sum of £1,390.**

**Background**

1. By application received in the period between 31<sup>st</sup> August 2022 and 6<sup>th</sup> February 2023, and made under Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Rules”), the Applicant applied for an order for payment in the sum of £1,390 in respect of unpaid rent. The Applicant lodged a private residential tenancy agreement between the parties which commenced on 1<sup>st</sup> March 2022, a rent statement, and a Sheriff Officer tracing report.
2. Notification of the application and the forthcoming Case Management Discussion upon the Respondents was carried out by Sheriff Officers on 30<sup>th</sup> March 2023.

**The Case Management Discussion**

3. A Case Management Discussion (“CMD”) took place by telephone conference on 9<sup>th</sup> May 2023. The Applicant was in attendance. The Respondents were not in attendance.

4. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondents.
5. The Applicant said there had been no recent contact from the Respondents. The tenancy ended on or around 1<sup>st</sup> August 2022. The Respondents failed to pay rent due in the sum of £1390.

### **Findings in Fact and Law**

6.
  - (i) Parties entered into a private residential tenancy agreement that commenced on 1<sup>st</sup> March 2022 and ended on or around 1<sup>st</sup> August 2022, with rent due in the sum of £795 per month.
  - (ii) Rent lawfully due in terms of the tenancy agreement has not been paid by the Respondents.
  - (iii) The Applicant is entitled to recover rent lawfully due.

### **Reasons for Decision**

7. The Respondents have failed to make payment of rent lawfully due. The Applicant is entitled to recover rent lawfully due in terms of the tenancy agreement between the parties.

### **Decision**

8. An order for payment is granted in favour of the Applicant in the sum of £1,390.

### **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.**



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Legal Member/Chair

9<sup>th</sup> May 2023  
Date