



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/22/3468

Re: Property at 3/5 Inglis Green Gait, Edinburgh, EH14 2LG (“the Property”)

Parties:

Mrs Moira Poyser, 5 BUCKSTONE CLOSE, Edinburgh, EH10 6XA (“the Applicant”)

Mr Paul Whiteside, Unknown, Unknown (“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 Applicant was entitled to an order for payment by the Respondent to the Applicant in the sum of £3010.68.

Background

1. By application dated 27 September 2022 the Applicant’s representatives, D J Alexander Lettings Ltd, Edinburgh, applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondent’s tenancy of the property. The Applicant’s representatives submitted a copy of the tenancy agreement together with a rent statement and letter of authority in support of the application.
2. By Notice of Acceptance dated 22 November 2022 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.

3. Intimation of the CMD was by way of advertisement on the Housing and Property Chamber website as the Respondent moved out of the property and his current address could not be traced.
4. By email dated 28 March 2023 the Applicant's representative sought to amend the sum claimed to the reduced amount of £3010.68.

The Case Management Discussion

5. A CMD was held by teleconference on 4 May 2023. The Applicant did not attend but was represented by Ms Dana Greaney from the Applicant's representatives. The Respondent did not attend nor was he represented. The Tribunal being satisfied that proper intimation had been given to the Respondent determined to proceed in his absence.
6. Ms Greaney advised the Tribunal that the rent arrears amounted to £3010.68 after being credited with a payment of £1160.00 and recalculating the rent due to the date the Respondent moved out of the property being 6 October 2022. Ms Greaney said that the Respondent's deposit had not been credited back to the Applicant for rent arrears as there were issues with regards to the condition of the property. She confirmed the Applicant was seeking an order for payment in the sum of £3010.68.

Findings in Fact

7. The parties entered into a private residential tenancy that commenced on 27 January 2021 at a rent of £580.00 per calendar month.
8. The Respondent owed rent of £3010.68 as at 6 October 2022 and this amount was still outstanding at the date of the CMD.

Reasons for Decision

9. The Tribunal was satisfied from the written representations and documents submitted by the Applicant's representatives together with the oral submissions that the Applicant was entitled to an order for payment by the Respondent in the sum of £3010.68.

Decision

10. The Tribunal finds the applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £3010.68.

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.

**Graham Harding
Legal Member/Chair**

**4 May 2023
Date**