



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 1 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/21/2887

Re: Property at 1/2 Ferry Gait Place, Edinburgh, EH4 4GN (“the Property”)

Parties:

Mrs Paula Neilson, 58 Silverknowes Eastway, Edinburgh, EH4 5NE (“the Applicant”)

Ms Michelle Williams, 1/2 Ferry Gait Place, Edinburgh, EH4 4GN (“the Respondent”)

Tribunal Members:

Susan Christie (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order against the Respondent for payment of the sum of £13,225 to the Applicant is granted.

Background

1. An application for an Order for payment was accepted by the tribunal on 29 December 2021.
2. A Case Management Discussion was fixed for 9 March 2022 at 10a.m. Intimation of the date and paperwork was served on the Respondent by Sheriff Officers at the Property, by means of a letterbox, on 28 January 2022.
3. Written representations were invited from the Respondent by 17 February 2022. None were submitted.

The Case Management Discussion (CMD) 9 March 2022 at 10a.m

4. The Applicant was represented by Mr Cutt.
5. The Respondent did not participate. I was provided with the Execution of Service by Sheriff Officers and was satisfied intimation of the CMD had been made on the Respondent and proceeded in her absence, the procedure having been fair.

6. The application and the documentation produced that included rent account ledgers were discussed and the figures examined. The Applicant's Representative had taken over the management of the Property in March 2020 as an agent and this included the rent collection.
7. The tenancy between the Parties had commenced on 1 December 2017 and coincided with the commencement of the Private Housing (Tenancies) (Scotland) Act 2016. The Parties had signed an agreement around that time that referred to a short-assured tenancy, but advice had been taken and due to the commencement date of the tenancy, a Private Residential Tenancy had been created. The rent was due to be paid at the rate of £750 per calendar month, payable in advance at the start of the tenancy.
8. Rent arrears had accrued from July 2019. The balance stood at £3,950 when the agent had taken over the account. Payments were made by the Respondent between June 2020 and March 2021 totalling £4225. This left a shortfall of £6475. No further payments were made thereafter and the balance due and owing as of 1 November 2021 was £13,225. This is the sum sought in the application.
9. Attempts to contact the Respondent had been made and letters sent to her, but there was no engagement. The tenancy continued and further efforts would be made to make contact including visiting the Property.
10. As at today the rent arrears figure stands at £16,225.

Findings in Fact

- I. A Private Residential Tenancy (PRT) was created between the Applicant and the Respondent on 1 December 2017.
- II. The rent is £750 per calendar month payable in advance in terms of the PRT.
- III. The total arrears figure due as of 1 November 2021 for unpaid rent is £13,225.
- IV. An Order for payment to the Applicant in the sum of £13,225 by the Respondent is granted.

Reasons for Decision

There was no participation by the Respondent, and she had not made any written representations. I was satisfied intimation had been made on her.

The tribunal had regard to all that was said, and the paperwork produced and carefully considered it.

A Private Residential Tenancy (PRT) was entered into between the Parties. The Respondent had undertaken to pay rent and had paid rent until July 2019. The balance stood at £3,950 when the agent had taken over the account. Payments were made by the Respondent between June 2020 and March 2021 totalling £4225. This left a shortfall of £6475. No further payments were made thereafter and the balance due and owing as of 1 November 2021 was £13,225. This is the sum sought in the application.

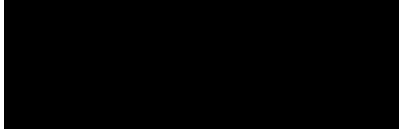
Attempts at contact with the Respondent had been made and letters sent to her, but there was no engagement. The tenancy continued and further efforts would be made to make contact including visiting the Property.

As at today the rent arrears figure stands at £16,225.

The Tribunal granted a payment order.

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.



Legal Member/Chair

9 March 2022
Date