



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/21/0001

Re: Property at 2 Inchkeith Grove, Tranent, EH33 1FL (“the Property”)

Parties:

Mr Rico Lannie, C/O 11 Grove Street, Edinburgh, EH3 8AF (“the Applicant”)

Mr Callum Smith, 2 Inchkeith Grove, Tranent, EH33 1FL (“the Respondent”)

Tribunal Members:

Andrew Upton (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent is liable to make payment to the Applicant in the sum of FIVE THOUSAND THREE HUNDRED AND THREE POUNDS AND TWO PENCE (£5,303.02) STERLING

STATEMENT OF REASONS

1. This Application called for its Case Management Discussion on 25 February 2021 by teleconference call. The Applicant was represented by Mrs Beard. The Respondent was neither present nor represented on the call.
2. The Applicants seek payment of the total sum of £5,385. That sum is comprised of two elements: (i) rent arrears of £5,310; and (ii) late payment fees of £75.
3. In support of their Application, the Applicants produced a copy of the Private Residential Tenancy Agreement between the parties. In terms thereof, the Respondents were under contractual obligation to pay rent of £1,200 per calendar month (Clause 8), and late payment charges of £25 on any missed rental payment (Clause 9). The Applicants produced a rent schedule which

suggested that the Respondent is in arrears of £5,310, and had incurred three late payment charges.

4. Mrs Beard also confirmed that a payment towards the arrears had been received from the Department of Work and Pensions in the sum of £81.98. Accordingly, the total sum now sought was the reduced sum of £5,303.02. I was told that the Respondent had agreed to pay his arrears at a rate of £300 per month in addition to his ongoing rent, but that he had been told that the Applicant would be proceeding at the CMD.
5. The Respondent has been afforded an opportunity to dispute the Applicant's assertions in the Application. He has not done so. I therefore consider that the Applicant's assertions are not in dispute. I am therefore satisfied, having regard to the additional payment referred to by Mrs Beard, that the Respondent is in rent arrears of £5,228.02, and has incurred late payment charges totalling £75.
6. Accordingly, I am satisfied that the Respondent is liable to make payment to the Applicant in the total sum of £5,303.02, being £5,228.02 in rent arrears and £75 in late payment charges.

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.

25/02/21

Legal Member/Chair

Date