



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

Chamber Ref: FTS/HPC/CV/20/0093

Re: Property at 26/7 Hailesland Gardens, Edinburgh, EH14 2QD (“the Property”)

Parties:

Red Box Property Ltd, 24 Stewartfield, Edinburgh, EH6 5RQ (“the Applicant”)

Mr Gordon Cruickshank, ADDRESS UNKNOWN, (“the Respondent”)

Tribunal Members:

Josephine Bonnar (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 of the sum of £1761.04 should be made in favour of the Applicant against the Respondent.

Background

1. By application dated 13 January 2020 the Applicant seeks a payment order in relation to unpaid rent. A copy tenancy agreement and rent statement were lodged in support of the application.
2. On 11 February 2020, the Tribunal attempted service of the application by Sheriff Officer at the property. However, this was unsuccessful. The Sheriff Officers made enquiries with a neighbour who confirmed that the Respondent had vacated the property a week previously. The Tribunal proceeded to serve the application by advertisement on the Chamber website on 21 February 2020 date. Both parties were notified that a case management discussion (“CMD”) would take place by conference call on 30 March 2020. This CMD was postponed as a result of Government restrictions due to Coronavirus
3. On 11 June 2020 the Applicant was notified that the CMD would now take place by conference call on 24 July 2020 at 10am. The Applicant was provided with

a telephone number and passcode. The Respondent was notified of the date and time of the CMD by advertisement on the Chamber website from 11 June 2020 until 24 July 2020.

Case Management Discussion

4. The application called for a CMD at 10am on 24 July 2020. The Applicant was represented by Mr Morris. The Respondent did not participate and was not represented.
5. Mr Morris advised the Legal Member that the Respondent is the former tenant of the property. The Applicant obtained an eviction order from the Tribunal in January 2020 and instructed Sheriff Officers to carry out the eviction at the end of January 2020. When they attended, the Respondent had already vacated the property although he left a number of possessions behind. He did not provide a forwarding address. Since that date, the Applicant has had no contact from the Respondent. The sum claimed in the application relates to rent arrears incurred during the tenancy and is still outstanding.

Findings in Fact

6. The Applicant is the owner and landlord of the property.
7. The Respondent was the tenant of the property from 16 October 2015 until the end of January 2020.
8. In terms of the tenancy agreement the Respondent was due to pay rent at the rate of £650 per month.
9. The Respondent owes the sum of £1761.04 in unpaid rent to the Applicant.

Reasons for Decision

10. The Legal Member is satisfied that the Respondent has incurred rent arrears in the sum of £1761.04. This sum is still outstanding. The Applicant is therefore entitled to an order for payment.

Decision

11. The Legal Member determines that an order for payment should be made in favour of the Applicant

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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Josephine Bonnar, Legal Member**

24 July 2020