

Housing and Property Chamber
First-tier Tribunal for Scotland



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 and Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017

Chamber Ref: FTS/HPC/CV/18/1696

Re: Property at 5/3 Sailmaker Road, Edinburgh, EH6 7JR (“the Property”)

Parties:

Leith Links NHT 2011 LLP, 19 West Tollcross, Edinburgh, EH3 9QN (“the Applicant”), represented by TC Young LLP, solicitors, 69a George Street, Edinburgh EH2 2JG

Miss Sabin Redlin, Mr Maksymillian Lipski, 5/3 Sailmaker Road, Edinburgh, EH6 7JR (“the Respondent”)

Tribunal Member:

George Clark (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application for payment should be decided without a hearing and that an order for payment by the Respondent to the Applicant of the sum of £4,367.73 should be made.

Background

By application, received by the Tribunal on 6 July 2018, the Applicant sought an order for payment of £4,367.73 in respect of arrears of rent and heating and hot water charges for the Property.

The application was accompanied by a rent statement showing arrears of rent as at 21 June 2018 of £2,189 and a statement from Insite Energy Limited showing a sum due for heating and hot water, as at 31 March 2018, of £2,178.12.

The Respondent made no written representations to the Tribunal.

The Case Management Discussion

A Case Management Discussion was held at George House, 126 George Street, Edinburgh on the afternoon of 13 September 2018. The Applicant was represented by Nicola Caldwell of TC Young LLP. The Respondent was neither present nor represented at the Case Management Discussion.

The Applicant's representative told the Tribunal that the arrears of rent for the Property now stood at £2,870.85 and the arrears of payment for the heating and hot water remained outstanding. The Applicant's representative sought an order for the sum of £4,367.73 as set out in the application.

The Applicant's representative asked the Tribunal to exercise its right to make a decision on the application without a hearing and to make the order for payment sought in the application.

Reasons for Decision

The Tribunal noted that the tenancy of the Property was a Short Assured Tenancy, and that it had seen statements showing all rent payments due and paid down to 2018. The lease required the Respondent to pay, in addition to the rent, all charges incurred for use of heating and hot water at the Property as provided by the communal boiler, upon written demand by Insite Energy Limited. The Tribunal noted the Statement from Insite Energy Limited showing the sum of £2,178.12 due by the Applicant as at 31 March 2018. The lease provided that Insite Energy Limited were acting as agents for the Applicant in issuing bills for heating and hot water.

Rule 17(4) of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 states that "*The First-tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision*".

The Tribunal was satisfied that it had before it all the information that it required in order to make a decision and that, as the Respondent had not made any written representations and was not present or represented, it was able to decide the application without a hearing.

Decision

The Tribunal determined to make an order for payment by the Respondent to the Applicant of the sum of £4,367.73

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.

George Clark

Legal Member/Chair
George Clark

13 September 2018
Date