



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/23/1608**

**Re: Property at 123 The Murrays, Edinburgh, EH17 8UN (“the Property”)**

**Parties:**

**Mr Aqeel Ajazi, 25 Kingshill Road, Aberdeen, AB15 5JY (“the Applicant”)**

**Mr Daniel Hayes, UNKNOWN, UNKNOWN (“the Respondent”)**

**Tribunal Members:**

**Melanie Barbour (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order in favour of the Applicant against the Respondent for payment of SEVEN THOUSAND THREE HUNDRED AND TWENTY POUNDS (£7,320.00) STERLING.**

**Background**

1. An application had been received under Rule 111 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for payment of rent arrears.
2. The application contained the tenancy agreement, and rent statement.
3. This was a continued case management discussion on 3 November 2023. It had been continued from 7 August 2023. Reference is made to that case management discussion note.
4. The applicant’s agent appeared. The respondent did not appear. The agent had emailed the respondent on 19 October advising that they would be seeking the revised sum of £7320.00 at the case management discussion on 3 November

2023 and including an up to date rent statement with that email. It was noted that the respondent had now left the property and the agent did not have an up to date home address for him.

### Discussion

5. The applicant's agent advised that the respondent owed £7320.00. She advised that he was aware of the rent arrears. The last payment received was made on 3 June 2023. They had received no replies to correspondence about the arrears.

### Findings in Fact

6. The Tribunal found the following facts established: -
7. There existed a private residential tenancy between the Applicant and the Respondent. It had commenced on 25 October 2022.
8. The tenant was Daniel Hayes.
9. The landlord was Aqeel Ajazi.
10. The property was 123 Murrays, Edinburgh.
11. The tenancy stated that rent was £1,220 a calendar month payable in advance.
12. Rent arrears as of 2 September 2023 were £7,320.00.

### Reasons for Decision

13. Section 71 of the 2016 Act provides the Tribunal with a power to deal with civil matters arising out of private residential tenancies, failure to pay contractual rent, is one of those matters.
14. The applicant's agent appeared. The respondent did not appear. The applicant's agent confirmed that she sought an order for payment. She moved to amend the sum sued for. I granted this amendment noting that the agent had emailed notice of this amended sum to the respondent. She provided an up to date rent statement in support of this claim.
15. The tenancy contract provided that rent of £1,220 per month was payable by the tenant. The tenant had failed to pay all or some of that rent. As of 2 September 2023, the tenant owed £7320.00 in rent. He was in breach of contract with the landlord.

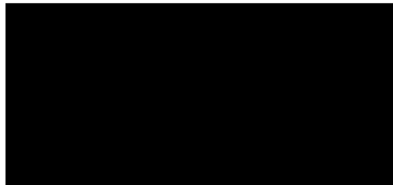
16. Considering the papers and the oral submission by the applicant's agent, the tribunal was prepared to amend the sum sued for to SEVEN THOUSAND THREE HUNDRED AND TWENTY POUNDS (£7,320.00) STERLING and to thereafter grant the order for payment of this sum.

Decision

17. The Tribunal grants an order in favour of the Applicant against the Respondent for payment of SEVEN THOUSAND THREE HUNDRED AND TWENTY POUNDS (£7,320.00) STERLING.

**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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Legal Member/Chair

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Date 3<sup>rd</sup> November 2023