



**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/23/1777**

**Re: Property at Flat 3, 3 Seacole Square, Edinburgh, EH16 4ZF (“the Property”)**

**Parties:**

**PFPC MMR 1 LP, 1 Hay Avenue, Edinburgh, EH16 4RW (“the Applicant”)**

**Demi Gillespie, Ben Potter, Flat 3, 3 Seacole Square, Edinburgh, EH16 4ZF (“the Respondents”)**

**Tribunal Members:**

**Ms H Forbes (Legal Member) and Miss E Munroe (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in favour of the Applicant in the sum of £10,608.71 with interest thereon in the sum of 4% per annum.**

**Background**

1. By application received in the period between 31<sup>st</sup> May and 6<sup>th</sup> July 2023 and made under Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”), the Applicant applied for an order for payment in the sum of £7,227.06 with interest thereon at 4% per annum, and expenses if deemed appropriate. The sum sought was in respect of unpaid rent. The Applicant lodged a copy of the private residential tenancy agreement between the parties, which commenced on 3<sup>rd</sup> September 2021 with a monthly rent of £785, copy rent increase notifications, and a rent statement.
2. Notification of the application and the forthcoming Case Management Discussion upon the Respondents was carried out by Sheriff Officers on 12<sup>th</sup> September 2023.

3. An application to amend the sum sought to £10,608.71 was made by the Applicant's representative by email on 13<sup>th</sup> September 2023. The application was intimated to the Respondents on 18<sup>th</sup> September 2023.

### **The Case Management Discussion**

4. A Case Management Discussion ("CMD") took place by telephone conference on 19<sup>th</sup> October 2023. Mr Kenneth Caldwell, Solicitor, was in attendance on behalf of the Applicant. The Respondents were not in attendance.
5. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondents.
6. Mr Caldwell provided some background to the application and moved the Tribunal to grant an order for payment in the sum of the current rent arrears, which are £11,141.05, with use value interest thereon at 4%. Mr Caldwell said he was not seeking expenses at this time. Mr Caldwell submitted that, if the Tribunal was not with him in granting an order for the current balance, he would seek an order in the amended sum of £10,608.71.

### **Findings in Fact and Law**

7.
  - (i) Parties entered into a private residential tenancy that commenced on 3<sup>rd</sup> September 2021 with a monthly rent of £785.
  - (ii) The monthly rent was increased to £827.39 in May 2022.
  - (iii) The monthly rent was increased to £852.21 in July 2023.
  - (iv) Rent lawfully due in terms of the tenancy agreement has not been paid by the Respondents.
  - (v) The Applicant is entitled to recover rent lawfully due.

### **Reasons for Decision**

8. The Respondents have failed to make payment of rent lawfully due. The Applicant is entitled to recover rent lawfully due in terms of the tenancy agreement between the parties.
9. The Tribunal considered it appropriate to grant an order for payment in the amended sum of £10,608.71, as intimated to the Respondents in accordance with Rule 14A.

## **Decision**

- 10.** An order for payment is granted in favour of the Applicant in the sum of £10,608.71 with interest thereon in the sum of 4% per annum from the date of the decision to grant the 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.**

# H Forbes

Legal Member/Chair

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**19<sup>th</sup> October 2023**  
Date