



Decision 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/23/2847

Re: Property at 345 Broomhouse Road, Edinburgh, EH11 3TP (“the Property”)

Parties:

Mr David Stevens, 6A Hart Street, Edinburgh, EH1 3RN (“the Applicant”)

Mr Kagiso Moeketsi, 345 Broomhouse Road, Edinburgh, EH11 3TP (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Order for Payment against the Respondent in favour of the Applicant in the sum of £2,150.

Background

1. The Applicant submitted an application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order for payment in respect of rent arrears said to have been incurred by the Respondent.
2. By decision dated 3 October 2023, a Convenor of the Housing and Property Chamber, having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 2 November 2023 informing both parties that a CMD had been assigned for 14 December 2023 at 11:30am, which was to take place by conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make a decision today on the application. The Respondent was invited to make

written representations by 23 November 2023. No written representations were received from the Respondent.

4. On 22 November 2023, the Tribunal received an email from the Applicant, seeking to increase the sum sued for to £2,400. A copy of that email was sent to the Respondent.
5. On 8 December 2023, the Tribunal received an email from the Applicant, advising that the Respondent had vacated the property.

The case management discussion

6. The CMD took place by conference call. The Applicant joined the conference call personally. The Respondent did not join the conference call and the discussion proceeded in his absence. The Applicant explained that the Respondent vacated the property on 7 December 2023. At the time of his departure, the Respondent owed arrears of rent amounting to £2,400. The Applicant has applied to recover the Respondent's deposit of £400, of which £250 will be applied to the arrears of rent. Accordingly, the Applicant moved for an order for payment in the sum of £2,150.

Findings in Fact

7. The parties entered into a private residential tenancy which commenced 20 August 2020.
8. The Respondent owes the Applicant rent arrears of £2,150.

Reason for Decision

9. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondent failed to lodge written representations and failed to participate in the CMD. The Applicant produced a rent statement. There was no material before the Tribunal to indicate that the Respondent disputed the accuracy of the rent statement. The Applicant has applied to recover the Respondent's deposit, some of which is to be attributed towards the rent arrears. The balance of the sum due to the Applicant was £2,150.

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.



Legal Member/Chair

14 December 2023

Date