



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/23/1086

Re: Property at Flat 2, 2 Moreland View, Edinburgh, EH12 8NS (“the Property”)

Parties:

Places for People Scotland Limited in association with Castle Rock, 1 Hay Avenue, Edinburgh, EH16 4RW (“the Applicant”)

Mr Maxwell Wilson, Samantha Wilson, Ormidale Hotel, Brodick, Isle of Arran, KA27 8BY (“the Respondents”)

Tribunal Member:

Ms H Forbes (Legal 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 £4865 with interest thereon at 4% per annum.

Background

1. By application made on 4th April 2023 under Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Rules”), the Applicant applied for an order for payment in the sum of £4865 in respect of unpaid rent. The Applicant representative lodged a copy of the private residential tenancy agreement between the parties, which commenced on 11th February 2022, and a rent statement.
2. Notification of the application and the forthcoming Case Management Discussion upon the Respondents was carried out by Recorded Delivery on 24th October 2023.
3. The Applicant representative lodged an updated rent statement dated 4th December 2023 showing a balance of £6950.

The Case Management Discussion

4. A Case Management Discussion (“CMD”) took place by telephone conference on 6th December 2023. Neither party was in attendance. The Applicant was represented by Ms Melissa Wilson, Solicitor.
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. Ms Wilson moved the Tribunal to grant an order in the sum of £6950. The Tribunal indicated it would expect to see an application to amend the sum sought in terms of Rule 14A, despite it being stated in the application form that the Applicant was seeking ‘other such sum as is due at the date of the hearing.’ The Tribunal adjourned to allow Ms Wilson to take instructions as to whether to continue to another CMD to allow an application to amend the sum sought. Having taken instructions, Ms Wilson moved the Tribunal to grant an order in the sum of £4865 with interest thereon at the rate of 4%.

Findings in Fact and Law

7.
 - (i) Parties entered into a private residential tenancy that commenced on 11th February 2022, with rent due in the sum of £695 per month.
 - (ii) The tenancy ended on or around 30th June 2023.
 - (iii) Rent lawfully due in terms of the tenancy agreement has not been paid by the Respondents.
 - (iv) 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.

Decision

9. An order for payment is granted in favour of the Applicant in the sum of £4865 with interest thereon at the use value rate of 4% per annum from the date of making the decision.

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

6th December 2023
Date