



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/23/3137

Re: Property at 185 Slateford Road, Edinburgh, EH14 1PU (“the Property”)

Parties:

Home Group Limited, 2 Gosforth Park Way, Gosforth Business Park, Newcastle Upon Tyne, NE12 8ET (“the Applicant”)

Mr Kris Brown, 185 Slateford Road, Edinburgh, EH14 1PU (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member) and Angus Lamont (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for payment in the sum of SIX THOUSAND SIX HUNDRED AND EIGHTY-NINE POUNDS AND THIRTY-EIGHT PENCE (£6689.38) with interest thereon at the rate of 8% per annum running from the date of the decision of the First-tier Tribunal to grant this order, being 5th February 2024

Background

1. By application dated 7th September 2023 the applicant seeks an order for payment in respect of rent arrears.
2. The application was conjoined with application reference FTS/HPC/EV/23/3135 seeking an order for eviction.
3. The applicant lodged the following documents with the application:
 - Copy tenancy agreement
 - Rent statement

- Rent Increase notice
4. A case management discussion (“cmd”) was assigned for 5th February 2024.
 5. On 15th January 2024 the applicant sought to amend the amount begin sought to the sum of £6689.38 in accordance with rule 14A.

Case management discussion – 5th February 2024- teleconference

6. The applicant was represented by Ms Callaghan from TC Young solicitors. The respondent was not present or represented. The Tribunal noted that proper notice of the cmd had been given to the respondent. The Tribunal determined to proceed with the cmd in the respondent’s absence in terms of Rule 29.
7. Ms Callaghan sought an order for payment in the increased sum of £6689.38 together with interest. Rent accounts had been lodged which spanned the period from 11th May 2022 to 1st January 2024.
8. The Tribunal noted that arrears had been increasing significantly since May 2023 and were currently £6,689.38. The rent payable per calendar month had been £804.46 and had increased to £828.59 from August 2023.

Findings in fact

9. Parties entered in a tenancy agreement with a commencement date of 11th May 2022.
10. Monthly rent due in terms of the agreement was £828.59.
11. Arrears as at 1st January 2024 amounted to £6689.38.

Reasons for the decision

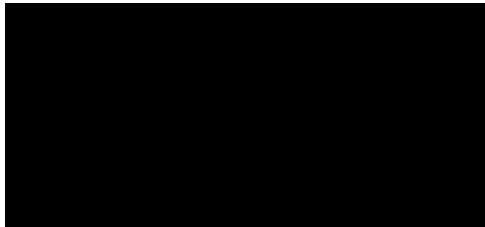
12. The Tribunal had regard to the application and the documents lodged by the applicant. The Tribunal also took into account oral submissions at the cmd.
13. The Tribunal took into account that the respondent had not lodged any defence to the application or disputed the sum sought in any way.
14. The Tribunal was satisfied that the arrears at the property amounted to £6,689.38 at the date of the cmd.

Decision

The Tribunal determined to grant an order for payment in the sum of eight thousand eight hundred and sixty-two pounds and fifty pence with Interest thereon at the rate of 8% per annum running from the date of the decision of the First-tier Tribunal to grant this order, being 5th February 2024

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

5th February 2024

Date