



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 and Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

Chamber Ref: FTS/HPC/CV/23/3695

Re: Property at 49/6 West Mill Road, Edinburgh, EH13 0NZ (“the Property”)

Parties:

Mr Charles Fairfield and Mrs Susan Fairfield, P.O. Box U103, Charles Darwin University LPO, Darwin, NT 0815, Australia (“the Applicants”)

Mr Murray Crowson, 22 Tweedbank Avenue, Galashiels, TD1 3SP (“the Respondent”)

Tribunal Member:

Martin McAllister (Legal Member) (“the tribunal”)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order be made against the Respondent for payment of the sum of SEVEN THOUSAND ONE HUNDRED AND THIRTY NINE POUNDS 32 pence (£7139.32) to the Applicant.

Background

- 1. On 18 October 2023, the Applicants submitted an application to the First-tier Tribunal for Scotland seeking payment of the sum of £7139.32 in respect of rent arrears.**
- 2. A case management discussion was held by teleconference on 6 February 2024.**
- 3. Ms Dayna Greeney of D.J. Alexander, letting agents, represented the Applicants who were not present.**

Preliminary Matters

4. There was no appearance by the Respondent and the tribunal noted from a Certificate of Intimation that Sheriff Officers had served notice of the case management discussion on the Respondent on 20 December 2023.
5. The tribunal was satisfied that service of the application and the case management discussion had been effected on the Respondent.

The case management discussion

6. Ms Greeney confirmed that she acted on behalf of the Applicants and that she was seeking a payment order for the sum of £7139.32 which was detailed in the application.
7. The purpose of a case management discussion was explained by the Legal Member. Ms Greeney invited the tribunal to determine the matter at the case management discussion and not to fix a Hearing.

8. **Findings in Fact**

- 8.1 The parties entered into a private residential tenancy agreement in respect of the Property.
- 8.2 The private residential tenancy agreement was dated 1 June 2020.
- 8.3 The tenancy commenced on 3 June 2020 and ended on 10 March 2022.
- 8.4 The monthly rent due under the private residential tenancy was £1100.
- 8.5 The sum due and unpaid in respect of rent as at 6 February 2024 is £16339.32
- 8.6. On 29 June 2021, the Tribunal made a payment order for £9200.
- 8.7 The Respondent has made no payment in respect of the sums due.

9. **Documents before Tribunal**

- 9.1 Private residential tenancy agreement dated 1 June 2022.
- 9.2 Rent statement from 3 October 2020 to 7 October 2022 showing arrears of rent of £16 339.32.
- 9.3 Payment Order of the Tribunal dated 29 June 2021 for the sum of £9200.
- 9.4 Sheriff Officer's Certificate of Intimation.

Reasons

- 10. The Tribunal considered that there was no reason to adjourn the determination of the application to a Hearing.**
- 11. Ms Greeney referred the tribunal to the rent statement which had been lodged and which showed that no rent had been paid by the Respondent from 3 October 2020 to 7 October 2022. The tribunal noted that the statement took into account the credit of the tenancy deposit of £1650. Ms Greeney said that the tenancy terminated on 10 March 2022 and that the rent statement showed that the sum due by the Respondent is £16339.32.**
- 12. Ms Greeney referred the tribunal to the Order for Payment which had been issued by the Tribunal on 29 June 2021 and which was for the sum of £9200. She explained that the application before the tribunal is for an order in respect of the sum outstanding for which there is not an order for payment ie £7139.32.**
- 13. The tribunal accepted that the Respondent owed £7139.32 to the Applicants in respect of rent arrears. The Tribunal accepted that the respondent had an obligation, in terms of the private residential tenancy agreement, to pay the rent and that the rent statement was accurate.**
- 14. The appropriate standard of proof is the balance of probabilities and the Tribunal considered that this threshold had been crossed and that it was appropriate to grant the payment order. It accepted all the documentary evidence before it.**

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
6 February 2024**