

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/23/3542

Re: Property at Flat 25, 12 Pillans Place, Edinburgh, EH6 7GD (“the Property”)

Parties:

C-urb 6 Ltd, Formerly Link Housing Association Ltd, Link House, 2c New Mart Road, Edinburgh, EH14 1RL (“the Applicant”)

Mr Marc Kustra, Flat 25, 12 Pillans Place, Edinburgh, EH6 7GD (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision (in absence of the Respondent)

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) made a Payment Order in favour of the Applicant against the Respondent in the sum of £7,582.97 with interest at the rate of 8 per cent per year from today’s date until payment.

Background

[2] The Applicant seeks a Payment Order in respect of rent arrears together with the costs of restoring damage caused by the Respondent to the Property under a tenancy between the parties.

[3] The Application is accompanied by a copy of the tenancy agreement, rent statements and evidence showing the damage caused to the Property and invoices for the repairs.

Case Management Discussion

[4] The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 4 March 2024. The Applicant was represented by Ms Dempster, Solicitor. There was no appearance by or on behalf of the Respondent. Permission had been granted previously for intimation of the CMD to be made on the Respondent by service on the Tribunal website. This had been competently effected. As the Respondent was not present, the Tribunal decided therefor to proceed in the Respondent's absence. Having heard from Ms Dempster, the Tribunal made the following findings in fact.

Findings in fact

- I. The Parties entered into a tenancy agreement dated 26 November 2021 in terms of which the Applicant let the Property to the Respondent;*
- II. The tenant vacated the Property with rent arrears in the sum of £4,782.94;*
- III. The Applicant also required to spend the sum of £2,732.83 to make good damage caused to the Property by the Respondent.*

Decision

[5] Having made the above findings in fact, the Tribunal granted the Application and made a Payment Order in favour of the Applicant against the Respondent in the sum of £7,582.97 with an award of interest at the rate of 8 per cent per year from today's date until payment.

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.

Andrew McLaughlin

Legal Member/Chair

4 March 2024

Date

