

Housing and Property Chamber
First-tier Tribunal for Scotland



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/23/4256

Re: Property at 4 Tudsbery Avenue, Edinburgh, EH16 4GX (“the Property”)

Parties:

Places For People Scotland Ltd As Successors To Lothian Homes Ltd, 1 Hay Avenue, Edinburgh, EH16 4RW (“the Applicant”)

Mr Kenneth Caldwell, solicitor, Patten and Prentice LLP, solicitors, 2 Ardgowan Square, Greenock, PA16 8PP (“the Applicant’s Representative”)

Mr Syed Ahmad Mujtaba Shah and Mr Syed Ali Murtaza Shah, 4 Tudsbery Avenue, Edinburgh, EH16 4GX (“the Respondents”)

Tribunal Members:

Martin McAllister (Legal Member) and Ann Moore (Ordinary 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 Respondents for payment of the sum of FOUR THOUSAND NINE HUNDRED AND EIGHTY FOUR POUNDS 26 PENCE (£4984.26) to the Applicant.

Background

- 1. On 23 June 2023, the Applicant submitted an application to the First-tier Tribunal for Scotland seeking payment of the sum of £8145.30 in respect of rent arrears.**

2. A case management discussion was held by teleconference on 26 February 2024. An application in respect of an eviction order was also considered (FTS/HPC/EV/23/4255).
3. The Applicant was not present and was represented by Mr Kenneth Caldwell, solicitor. There was no appearance by the Respondents and it was noted that the details of the case management discussion had been intimated to them by Sheriff Officers on 10 March 2023.

Preliminary Matters

4. Immediately prior to the case management discussion, the Applicant's Representative had submitted an update rent statement. Mr Caldwell said that the level of arrears had reduced and that he was seeking an order of payment for £4984.26. He said that this was the sum outstanding in respect of the rent arrears.

5. Findings in Fact

- 5.1 The parties entered into a short assured tenancy agreement in respect of the Property.
- 5.2 The short assured tenancy agreement was dated 4 November 2015.
- 5.3 The tenancy had continued under tacit relocation and is ongoing.
- 5.4 The sum due and unpaid in respect of rent as at 26 February 2024 was £4984.26.

6. Documents before the tribunal

- 6.1 Short assured tenancy agreement dated 4 November 2015.
- 6.2 Rent statement from 1 April 2018 to 19 February 2024 showing arrears of rent of £4984.26.
- 6.3 Sheriff Officer's Certificate of Intimation of Service dated 10 January 2024.

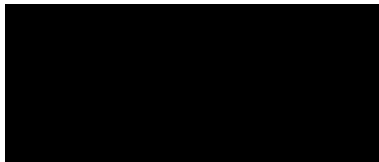
Reasons

7. The tribunal considered that there was no reason to adjourn the determination of the application to a Hearing. Ms Caldwell said that he had no further evidence to produce.
8. The tribunal accepted that the Respondents owed £4984.26 according to the rent statement before it. The Tribunal accepted that the respondent had an obligation, in terms of the short assured tenancy agreement, to pay the rent and that the rent statement was accurate.

9. 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 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
26 February 2024