



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/CV/23/4609

**Re: Property at 1/5 Western Harbour Breakwater, Edinburgh, EH6 6PA (“the
Property”)**

Parties:

**Mr Barry McGeachie, 86 Barons Hill Avenue, Linlithgow, EH49 7JG (“the
Applicant”)**

**Mr Chinedu Wisdom Maduabuchi, whose present whereabouts are to the
Applicant unknown (“the Respondent”)**

Tribunal Members:

Gillian Buchanan (Legal Member)

Decision (in absence of the Respondent)

At the Case Management Discussion (“CMD”), which took place by telephone conference on 16 April 2024 the Applicant was not in attendance but was represented by Ms Leanne Young of DJ Alexander, Edinburgh. The Respondent was neither present nor represented.

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) had been satisfied relative to the Respondent having received notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29.

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that:-**

Background

The Tribunal noted the following background:-

- i. The Applicant leased the Property to the Respondent in terms of a Private Residential Tenancy Agreement (“the PRT”) that commenced on 2 June 2023.
- ii. The rent payable in terms of the PRT was £1800 per calendar month payable in advance on the 2nd day of each month.

- iii. A deposit of £500 was also paid by the Respondent to the Applicant at the outset of the PRT.
- iv. The application by the Applicant is for a payment order against the Respondent in a sum of £3600 being rent arrears accrued by the Respondent for the months of November and December 2023.
- v. The application is dated 20 December 2023.

The CMD

At the CMD Ms Young for the Applicant made the following representations:-

- i. The Respondent paid no rent from and including November 2023.
- ii. The Respondent advised Ms Young's firm that he vacated the Property at the end of March 2024. However, the Sheriff Officers' report on their unsuccessful attempt to serve the application on the Respondent on or around 11 March 2023 in which they narrated that a neighbouring resident reported the Property to have been unoccupied for several weeks suggested he had removed some time previously. Neighbours reported the Respondent not having been at the Property since October 2023.
- iii. The Applicant has made a claim on the deposit of £500 which is being adjudicated by My Deposits Scotland.
- iv. Ms Young has no forwarding address for the Respondent.
- v. There is no known reason as to why the Respondent stopped paying rent.
- vi. Multiple attempts were made by multiple different methods to contact the respondent without success. He latterly blocked the direct phone lines of Ms Young's debt recovery team.
- vii. The Applicant seeks a payment order in a sum of £3600.

Findings in Fact

- i. The Applicant leased the Property to the Respondent in terms of the PRT.
- ii. The rent payable in terms of the PRT was £1800 per calendar month payable in advance on the 2nd day of each month.
- iii. A deposit of £500 was paid by the Respondent to the Applicant at the outset of the PRT upon which the Applicant has made a claim to My Deposits Scotland.
- iv. The Respondent has vacated the Property.
- v. The Respondent has paid no rent to the Applicant from and including November 2023.
- vi. The Applicant is due from the Respondent substantial rent arrears including rent of £3600 for the months of November and December 2023.

Reasons for Decision

The Respondent did not submit any representations to the Tribunal and did not attend the CMD. The factual background narrated by the Applicant within the application papers and orally at the CMD was not challenged and was accepted by the Tribunal.

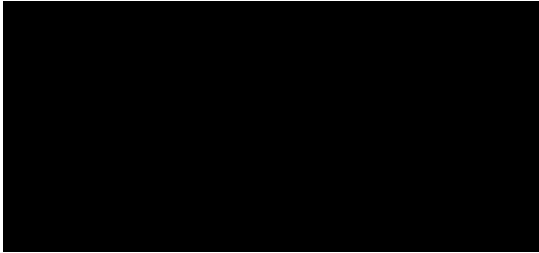
A payment order was therefore due to be made in favour of the Applicant.

Decision

The Tribunal granted a payment order against the Respondent in favour of the Applicant in a sum of £3600.

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

16 April 2024

Date