



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/24/0404

Re: Property at 62 Corbieshot, Edinburgh, EH15 3RZ (“the Property”)

Parties:

Ijeoma Edoa, 15 Worthington Grove, Hampton Water, Peterborough, PE7 8SH (“the Applicant”)

Emma Smith, 62 Corbieshot, Edinburgh, EH15 3RZ (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member) and Helen Barclay (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondent to the Applicant in the sum of £8383.56.

Background

1. By application dated 24 January 2024 the Applicant’s representatives, Gilson Gray LLP applied to the Tribunal for an order for payment in respect of alleged rent arrears and other costs arising from the Respondents’ tenancy of the property. The Applicants submitted a copy of the tenancy agreement together with a rent statement in support of the application.
2. By Notice of Acceptance dated 26 February a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.
3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 23 April 2024.

4. By email dated 23 April 2024 the Applicant's representatives applied to amend the sum claimed to £8383.56.

The Case Management Discussion

5. A CMD was held by teleconference on 15 February 2023. The Applicant was represented by Mr David Gray from the Applicant's representatives. The Respondent did not attend nor was she represented. The Tribunal being satisfied that proper intimation had been given to the Respondent determined to proceed in her absence.
6. Mr Gray advised the Tribunal that the rent arrears currently amounted to ££6949.50. He referred the Tribunal to the terms of the Tenancy Agreement in respect of the additional sums claimed in respect of the costs incurred by the Applicant amounting to a further £1434.06. Mr Gray asked the Tribunal to grant an order for payment in the total sum of ££8383.56.

Findings in Fact

7. The Respondent owed rent of £6949.50 as at the date of the CMD.
8. The Applicant in terms of Clause 37 of the Tenancy Agreement is entitled to recover all costs incurred in pursuing the debt due by the Respondent to the Applicant and this amounts to £1434.06.

Reasons for Decision

9. The Tribunal was satisfied from the written representations and documents submitted by the Applicant's representatives together with the oral submissions that the Applicant was entitled to an order for payment by the Respondent in the sum of £8383.56

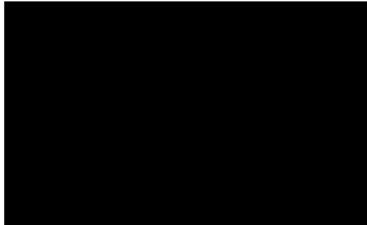
Decision

10. The Tribunal finds the applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £8383.56.

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.



**Graham Harding
Legal Member/Chair**

**22 May 2024
Date**