



**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/24/0500**

**Re: Property at 9 (1F2) Oxford Street, Edinburgh, EH8 9PH (“the Property”)**

**Parties:**

**Mrs Julie Williams, 98 Dalkeith Road, Edinburgh, EH16 5AF (“the Applicant”)**

**Mr Jonathan Flynn, 9 (1F2) Oxford Street, Edinburgh, EH8 9PH (“the Respondent”)**

**Tribunal Members:**

**Graham Harding (Legal Member) and Ahsan Khan (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 £4140.60.**

**Background**

1. By application dated 31 January 2024 the Applicant’s representatives D J Alexander Lettings Ltd, Edinburgh, applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondent’s tenancy of the property. The Applicant’s representatives submitted a copy of a Short Assured Tenancy Agreement and a rent statement in support of the application.
2. By Notice of Acceptance dated 4 March 2024 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 22 May 2024.
4. By email dated 26 June 2024 the Applicant’s representatives submitted an updated rent statement to the Tribunal showing the rent due as at 19 June 2024 to be £7646.17.

**The Case Management Discussion**

5. A CMD was held by teleconference on 27 June 2024. The Applicant did not attend but was represented by Miss Leanne Young from the Applicant's representatives. The Respondent did not attend nor was he represented. The Tribunal being satisfied that the Respondent had been given proper intimation of the date and time of the CMD determined to proceed in his absence.
6. The Tribunal noted that the parties had commenced a Short Assured tenancy on 19 July 2010 that had endured until 20 January 2011 and continued from month to month thereafter. The Tribunal also noted that although Miss Young had submitted an updated rent statement showing the current rent due to be £7646.17, she was asking the Tribunal to grant an order for payment in the sum contained in the application namely £4140.60.

### **Findings in Fact**

7. The parties entered into a Short Assured Tenancy that commenced on 19 July 2010 and endured until 20 January 2011 and from month to month thereafter.
8. The Respondent owed the Applicant rent amounting to £4140.60 as at 18 February 2024.

### **Reasons for Decision**

9. The Tribunal was satisfied from the written representations and documents submitted together with the oral submissions from Miss Young that the parties had entered into a Short Assured Tenancy and the Tribunal was also satisfied that the Respondent had accrued rent arrears amounting to £4140.60 as at 19 February 2024.

### **Decision**

10. The Tribunal being satisfied it had sufficient information before it to make a decision without the need for a hearing finds the Applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £4140.60.

### **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**

**27 June 2024**

**Date**