



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/23/4316

Re: Property at 3 Easter Dalmeny, Dalmeny, South Queensferry, EH30 9TT (“the Property”)

Parties:

The Roseberry Estates Partnership, Dalmeny Estate Office, Dalmeny House, South Queensferry, EH30 9TQ (“the Applicant”)

Ms Angela Reed, 3 Easter Dalmeny, Dalmeny, South Queensferry, EH30 9TT (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member) and Elizabeth Dickson (Ordinary Member)

Decision to grant an order for payment by the Respondent to the Applicant in the sum of £6018.58 (SIX THOUSAND AND EIGHTEEN POUNDS AND FIFTY EIGHT PENCE)

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

Background

The applicant applied to the First-Tier Tribunal for Scotland (Housing and Property Chamber) (‘The Tribunal’) for an order for payment in respect of rent arrears for the property at 3 Easter Dalmeny, Dalmeny, South Queensferry, E30 9TT. The application was dated 30th November 2023. At the commencement of the application the amount being sought was £4954.26.

Accompanying the application was a copy of the private residential agreement between the parties together also with a copy of statement of rent arrears dated 13th November 2023.

The application was received by the Tribunal on 5th December 2023 and accepted for determination on 4th January 2024.

The application was served by Sheriff Officers. The Respondent did not provide any written response.

The application was subsequently amended to update rent arrears to the sum of £6018.58.

Case Management Hearing

At the Case Management Hearing Mr Beauchop appeared on behalf of the Applicant. There was no attendance by or for the Respondent.

An up-to-date rent statement had been lodged.

Findings in Fact

1. The Parties entered into a private residential tenancy agreement for the property at 3 Easter Dalmeny, Dalmeny, South Queensferry, EH30 9TT by private residential tenancy agreement dated 28th September 2020 and 1st October 2020.
2. The tenancy was to commence on 1st October 2020. The rent was initially a sum of £850.
3. At the time of the Case Management Hearing arrears had accrued to the extent of £6018.58

Reasons for Decision

The applicant had attempted to engage the Respondent in correspondence without success. The Respondent had not lodged written representation. The Respondent did not attend the Case Management Hearing.

Rent arrears had accrued since the commencement of the tenancy. Although the Respondent was receiving housing benefit, it was insufficient to meet the rent. An up-to-date written statement had been produced which the tribunal accepted as being accurate.

Decision

To make an order for payment by the Respondent to the Applicant in the sum of £6018.58.

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.

Mark Thorley

Legal Member/Chair

Date 2nd July 2024