



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/24/0628**

**Re: Property at 53/2 George IV Bridge, Edinburgh, EH1 1EJ (“the Property”)**

**Parties:**

**Orrion Properties LTD, The Inch, Tweedsmuir, Scottish Borders, ML12 6QP (“the Applicant”)**

**Mr James McKenzie, 53/2 George IV Bridge, Edinburgh, EH1 1EJ (“the Respondent”)**

**Tribunal Members:**

**Shirley Evans (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment against the Respondent in favour of the Applicant in the sum of THREE THOUSAND AND THIRTY POUNDS (£3030) STERLING. The order for payment will be issued to the Applicant after the expiry of 30 days mentioned below in the right of appeal section unless an application for recall, review or permission to appeal is lodged with the Tribunal by the Respondent.**

**Background**

1. This is an action for rent arrears and interest raised in terms of Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”).
2. The application was accompanied by a Private Residential Tenancy Agreement between the parties dated 1 August 2020, a text from the Respondent dated 8 December 2023, bank statements and a rent statement.

3. On 16 April 2024, the Tribunal accepted the application under Rule 9 of the Regulations.
4. On 13 May 2024 the Applicant requested the arrears be increased to £3030 and enclosed a rent statement to May 2024.
5. On 25 June 2024 the Tribunal enclosed a copy of the application and invited the Respondent to make written representations to the application by 19 July 2024. The Tribunal advised parties that a Case Management Discussion ("CMD") under Rule 17 of the Regulations would proceed on 6 August 2024. This paperwork was served on the Respondent by Dale G Barrett, Sheriff Officer, Edinburgh on 1 July 2024 and the Execution of Service was received by the Tribunal administration.

### **Case Management Discussion**

6. The Tribunal proceeded with a CMD on 6 August 2024 by way of teleconference. Ms Rodriguez from Orrion Properties Ltd appeared for the Applicant. There was no appearance by or on behalf of the Respondent despite the CMD starting 10 minutes late to allow him plenty of time to join the call. The Tribunal was satisfied the Respondent had received notice under Rule 24 of the Regulations and accordingly proceeded with the CMD in his absence.
7. The Tribunal had before it the Private Residential Tenancy Agreement between the parties dated 1 August 2020, a text from the Respondent dated 8 December 2023, bank statements and a rent statement. The Tribunal considered these documents.
8. Ms Rodriguez stated arrears had increased to £4545. Rent had not been paid for 9 months. They had had no further contact with the Respondent since his text on 8 December saying he would not be paying rent. She explained they had served a Notice to Leave on him. They were concerned he may have now abandoned the property and are carrying out investigations.

### **Findings in Fact**

9. The Applicant and the Respondent entered into a Private Residential Tenancy Agreement in relation to the Property. In terms of Clause 1.1 of the tenancy agreement the Respondent agreed to pay the Applicant a calendar monthly rent of £480. The rent increased to £505 on 1 July 2022 and remains at £505 per month.

10. The Respondent has fallen into arrears of rent. The last payment to account was of £ 505 on 3 November 2023. Arrears to May 2024 were £3030. Current arrears are £4505.

### **Reasons for Decision**

11. The Tribunal considered the issues set out in the application together with the documents lodged in support, including the tenancy agreement and the rent statement. Further the Tribunal considered the submissions made by Ms Rodriguez.

12. The Tribunal was satisfied that the arrears had increased from the date of application to £3030 and accordingly allowed the sum sought to be amended in terms of Rule 14A of the Regulations as requested in the email of 13 May 2024.

13. The Tribunal noted the terms of the tenancy agreement and the rent statement which set out how the arrears had arisen. The Applicant had produced evidence of persistent non- payment of rent. The Respondent had not disputed the application. The Tribunal also noted the terms of the Respondent's text message of 8 December 2023 which indicated he would not pay rent. The Tribunal was satisfied on the basis of the documents lodged, together with Ms Rodriguez's submissions that an order for payment in favour of the Applicant be granted.

### **Decision**

14. The Tribunal granted an order for payment of £3030.

### **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.**

# Shirley Evans

6 August 2024

Legal Chair

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Date