



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/24/1417

Re: Property at 1/1 Fishwives Causeway, Edinburgh, EH15 1DP (“the Property”)

Parties:

Mr Mark MacPherson, 11 Caroline Street, St Mary's Bay, Auckland 1011, New Zealand (“the Applicant”)

Mr Muhammad Bilal, Andrea Viktoria Olah, 1/1 Fishwives Causeway, Edinburgh, EH15 1DP (“the Respondents”)

Tribunal Members:

Nicola Irvine (Legal Member) and Helen Barclay (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order for payment against the Respondents in favour of the Applicant in the sum of £7,250.

Background

1. The Applicant submitted an application under Rule 111 of the Housing & Property Chamber Procedure Regulations 2017 (“the Rules”). The Applicant sought an order for payment in respect of rent arrears said to have been incurred by the Respondents.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 12 July 2024 informing both parties that a CMD had been assigned for 16 August 2024 at 2pm, which was to take place by conference call. In that letter, the parties were also told that they were required

to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondents were invited to make written representations by 2 August 2024. No written representations were received by the Tribunal.

4. On 29 July 2024, the Tribunal received an email from the Applicant's representative, who sought to amend the sum sought to £7,250. An updated rent statement was attached to the email. A copy of the email was sent to the Respondents.

The case management discussion – 16 August 2024

5. The CMD took place by conference call. The Applicant was represented by Mr Connor McConnell. The Respondents did not join the call, and the discussion proceeded in their absence. This case called alongside a related case which proceeds under chamber reference FTS/HPC/EV/24/1415. The Tribunal explained the purpose of the CMD. The Respondent has been consistently in arrears of rent since October 2023 and no payments have been made to the rent account since then. The present balance of rent arrears is £7,250. The Applicant's representative moved to amend the sum sought to £7,250 and sought an order for payment in that sum.

Findings in Fact

6. The parties entered into a private residential tenancy which commenced 1 December 2022.
7. The contractual monthly rent is £725, payable in advance.
8. The Respondents owe rent arrears of £7,250.

Reason for Decision

9. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondents did not lodge any written representations and failed to participate in the CMD. The updated rent statement disclosed substantial rent arrears due by the Respondents. There was no material before the Tribunal to indicate that the Respondents disputed the rent arrears. The Tribunal was satisfied on the basis of the rent statement that the sum of £7,250 is due by the Respondents and granted an order for payment in that sum.

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.

Nicola Irvine

Legal Member/Chair

16 August 2024
Date