



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/1596

Re: Property at 16 Robertson Avenue, Prestonpans, EH332 9AL (“the Property”)

Parties:

Ms Jurgita Friis-Jorgensen, Estrada Municipal, u537 Coixa Postal 921K 8600-210, Portugal (“the Applicant”)

Ms Elaine Winters and Mr Stuart Thompson both formerly of 16 Robertson Avenue, Prestonpans, EH332 9AL and now residing at 116 Pinkie Road, Musselburgh, EH21 7QR (“the Respondent”)

Tribunal Members:

Melanie Barbour (Legal Member)

Decision (in the absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order in favour of the Applicant against the Respondent for payment of THREE THOUSAND ONE HUNDRED AND FORTY-TWO POUNDS AND TWENTY-TWO PENCE (£3,142.22) STERLING

Background

1. An application had been received under Rule 111 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for payment.

2. The application contained the tenancy agreement, rent statement, notice to leave and pre-action requirements.
3. A case management discussion took place on 30 July 2024.
4. In attendance was the applicant's agent, Claire Bunce from Northwood.
5. Notice of the CMD had been made by sheriff officers on 20 June 2024.
6. The respondent did not appear.
7. The tribunal was prepared to proceed in their absence given they had notice of today's CMD.

Discussion

8. The applicant's agent advised that the respondent currently owed £3,142.22 as of 30 July 2024. She advised she sought an order for payment for the sum of £3,142.22 as this was the figure shown in the updated email statement of 20 June 2024. She advised that the respondents had left the property on 20 June 2024. No further arrears had accrued after that date.
9. The arrears had reduced since the application was made. The reason for the reduction was because there had been some benefit payments received and this had reduced the rent arrears. The tenants had paid their rent by benefits, but payments had begun to dwindle. The agent had contacted the council to see what was happening with the rent payments. The tenants had not been engaging with the council.
10. The final figure owed by the respondents was £3,142.22.

11. The respondents were aware of the rent arrears, they had failed to repay them.
12. The agent had provided an updated new address for the respondents to the tribunal.
13. She had submitted the tenancy agreement showing that the rent due and a rent statement. She had also supplied further information about the final amount of rent arrears due.
14. She moved for an order for payment.

Findings in Fact

15. The Tribunal found the following facts established: -
16. There existed a private residential tenancy between the parties. It had commenced on 1 April 2020.
17. The tenant was Elaine Winters and Stuart Thompson.
18. The landlord was Jurgita Friis-Jorgensen.
19. The property was 16 Robertson Avenue, Prestonpans, EH32 9AL.
20. The tenancy stated that rent was £1,106.77 a calendar month payable in advance.
21. Rent arrears as of 20 June 2024 were £3,142.22.
22. The arrears as of 30 July 2024 were £3,142.22.
23. The tenants had left the property on 20 June 2024

Reasons for Decision

24. Section 71 of the 2016 Act provides the Tribunal with the power to deal with civil matters arising out of private residential tenancies, failure to pay contractual rent, is one of those matters.
25. The applicant's agent appeared. The respondent did not appear. The applicant's agent confirmed that she sought an order for payment.
26. The tenancy contract provided that rent of £1,106.77 per month was payable by the tenant. The tenant had failed to pay all or some of that rent. As of 30 July 2024, the tenant owed £3,142.22 in rent. They were in breach of contract with the landlord. The arrears had not reduced since 20 June 2024.
27. Considering the papers and the oral submission by the applicant's agent, the tribunal was prepared to grant the order for payment of the sum sought.

Decision

28. The Tribunal grants an order in favour of the Applicant against the Respondent for payment of THREE THOUSAND ONE HUNDRED AND FORTY-TWO POUNDS AND TWENTY-TWO PENCE (£3,142.22) STERLING.

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.

Melanie Barbour

30 July 2024

Legal Member/Chair

Date