



**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/23/2344**

**Re: Property at 31 (GF) Buckingham Terrace, Edinburgh, EH4 3AF (“the Property”)**

**Parties:**

**Mr Keith Willox, Rosina Willox, Flat 40, Learmonth Avenue, Edinburgh, EH4 1HT; Flat 40 Learmonth Avenue, Edinburgh, EH4 1HT (“the Applicant”)**

**Ms Andrea Burrile (SBA), UNKNOWN, UNKNOWN (“the Respondent”)**

**Tribunal Members:**

**Alison Kelly (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be made.**

**Background**

1. On 14<sup>th</sup> July 2023 the Applicant lodged an application under Rule 111 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) seeking payment of a sum of rent arrears.
2. Lodged with the Application were:
  - a. Copy Private Residential Tenancy dated 3<sup>rd</sup> May 2021 and showing a rent of £875 per month
  - b. Rent Statement showing arrears of £6345 as at 3<sup>rd</sup> August 2023
3. The Application was served on the Respondent by Sheriff Officer on 14<sup>th</sup> November 2023.
4. On 5<sup>th</sup> December 2023 the Applicant’s agent emailed the Tribunal to confirm that Respondent had vacated the property. This took place on 28<sup>th</sup> November 2023.

5. On 5<sup>th</sup> January 2024 the Applicant's agent lodged an up to date tent statement showing the arrears to 5<sup>th</sup> January 2024 as £9464.28.
6. On 8<sup>th</sup> January 2024 the Tribunal had to cancel the Case Management Discussion set for 9<sup>th</sup> January 2024 due to unforeseen circumstances.
7. Service By Advertisement was allowed as the Respondent had vacated the property and Sheriff Officers were unable to trace her.
8. The Tribunal produced a Certificate of Advertisement dated 9<sup>th</sup> September 2024.

### **Case Management Discussion**

9. The Case Management Discussion ("CMD") took place on 9<sup>th</sup> September 2024 by teleconference. The Applicant was represented by Miss Young of D J Alexander. The Respondent did not attend and was not represented.
10. The Chairperson confirmed the purposes of a CMD in terms of Rule 17 of the Rules.
11. Miss Young asked that an order be granted for payment, in the amount of £9464.28, being the sum due as shown on the rent statement and being the arrears due as at 5<sup>th</sup> January 2024.

### **Findings in Fact**

- i. The parties entered in to a tenancy agreement for rent of the property;
- ii. The monthly rent was £875;
- iii. The Respondent vacated the property on 28<sup>th</sup> November 2023;
- iv. At the end of the tenancy the rent arrears owed were £9464.28.

### **Reasons for Decision**

The Respondent owes rent to the Applicant in the amount of £9464.28.

### **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.**

**Alison Kelly**

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Legal Member/Chair

**9<sup>th</sup> September 2024**  
Date