



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 (“the Act”)

Chamber Ref: FTS/HPC/CV/24/1498

Re: Property at 377/2 Leith Walk, Edinburgh, EH6 8SE (“the Property”)

Parties:

Mr Massimo Circi, 10 Elgin Terrace, Edinburgh, EH7 5NN (“the Applicant”)

Miss Jennifer Tritschler, 377/2 Leith Walk, Edinburgh, EH6 8SE (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member) and Gordon Laurie (Ordinary 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 in the sum of FIVE THOUSAND SIX HUNDRED AND FIFTY POUNDS (£5,650.00) Sterling be granted.

Background

1. By application received on 28 March 2024 (“the Application”), the Applicant applied to the Tribunal for an Order for payment of £900.00 as rent due and owing by the Respondent to the Applicant arising from a tenancy agreement between the Parties.
2. The Application comprised a copy of the tenancy agreement between the Parties, a statement of rent due and owing, copy rent increase notice, copy bank statements and evidence of a Payment Order granted on 7 March 2024 for rent previously accrued.
3. The Application was accepted by the Tribunal and a Case Management Discussion (the “CMD”) was fixed for 29 August 2024 at 10.00 by telephone

conference. The CMD was intimated to the Parties, and to the Respondent, in particular, by Sheriff Officer on 30 July 2024.

4. Prior to the CMD, the Applicant submitted updated rent statements showing the sum due to have risen to £5,650.00.

CMD

5. The CMD took place on 29 August 2024 at 10.00 by telephone. The Applicant was present and was not represented. The Respondent was not present and was not represented. The Tribunal took the view that the Respondent was aware of the CMD and had chosen not to attend. Accordingly, the Tribunal proceeded in the absence of the Respondent.
6. The Applicant confirmed to the Tribunal that the sum of £5,650.00 is now due in respect of rent to 16 August 2024 and an Order is sought for this sum. He confirmed that the Respondent had been advised of the increased amount by email sent monthly to her. The Tribunal was satisfied that the Respondent had been notified of the increased amount.

Findings in Fact

7. From the Application and the Hearing, the Tribunal made the following findings in fact: -
 - i) There is a private residential tenancy of the Property between the Parties at a monthly rent of £950.00;
 - ii) The Respondent has failed to pay the full rent since November 2023;
 - iii) Rent arrears amounting to £9,570.00 have accumulated to 16 August 2024;
 - iv) The sum of £5,650.00 is due and owing by the Respondent to the Applicant, the balance of £3,920.00 being subject to a previous order for payment.

Decision and reasons for the decision

8. The Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal “may do anything at a case management discussionincluding making a decision” Having found in fact that the Respondent is due and owing to the Applicant for the sum of £5,650.00, the Tribunal proceeded to make an order for payment in the sum of £5,650.00.

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.

K. Moore

Legal Member/Chair

29 August 2024
Date