



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/23/2504

Re: Property at 28/3 Bothwell Street, Edinburgh, EH7 5PU (“the Property”)

Parties:

Langah Ltd, 12 Blackchapel Rd, Edinburgh, EH15 3QU (“the Applicant”)

Ms Annie Hurd, 1/6 Eure Terrace, Edinburgh, EH3 5ER (“the Respondent”)

Tribunal Members:

Ms H Forbes (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 granted in favour of the Applicant in the sum of £6975.

Background

1. This is a Rule 111 application dated 28th August 2023. The Applicant seeks a payment order in respect of rent arrears. The Applicant representative lodged a copy of the tenancy agreement between the parties, bank statements, and a rent statement.
2. A CMD took place by telephone conference on 9th February 2024. The Respondent was not in attendance. The Applicant representative, Ms Rashevskiaia, said the Respondent left the Property in November 2023. The CMD was continued to allow the Applicant to trace the Respondent and apply for an application to amend the sum sought.
3. Notification of a CMD set down for 21st May 2024 was made upon the Respondent by letter sent to the Property dated 15th April 2024.
4. The Applicant was emailed by the Tribunal administration on 20th May 2024 as no further information had been received.

5. By email dated 20th May 2023, the Applicant made an application to amend the sum sought from £7,243.03 to £10,279.53. The Applicant indicated that no attempts had been made to trace the Respondent.
6. A CMD took place by telephone conference on 21st May 2024. The Applicant was represented by Ms Rashevskaja. The Respondent was not in attendance and it was clear that notification had been made at the Property address after the Respondent left the Property. The CMD was continued to allow the Applicant to trace an address for the Respondent
7. By email dated 3rd September 2024, the Applicant provided a current address for the Respondent.
8. Notification of a CMD to take place on 1st October 2024 was made upon parties by letter dated 6th September 2024.

The Case Management Discussion

9. A CMD took place by telephone conference on 1st October 2024. The Applicant was represented by Ms Rashevskaja. The Respondent was not in attendance.
10. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondent.
11. Ms Rashevskaja asked the Tribunal to grant an order for payment in the sum of £6975 as a previous order for payment had been granted in the sum of £3304.53.

Findings in Fact and Law

12.
 - (i) Parties entered into a private residential tenancy agreement in respect of the Property which commenced on 1st June 2021 at a monthly rent of £750.
 - (ii) The tenancy ended in or around November 2023.
 - (iii) Rent lawfully due has not been paid by the Respondent to the Applicant.
 - (iv) The Applicant is entitled to recover rent lawfully due.

Reasons for Decision

13. Rent lawfully due is outstanding. The Applicant is entitled to recover rent lawfully due.

Decision

14. An order for payment is granted in favour of the Applicant in the sum of £6975.

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.

H. Forbes

Legal Member

1st October 2024
Date