



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies)(Scotland) Act 2016

Reference number: FTS/HPC/CV/24/0776

Order granted (in the respondent's absence) on 11 October 2024.

Re: Property at Flat 3, 8 Kidlaw Close, Edinburgh, EH16 6FT ("the Property")

Parties:

Home Group Ltd, a registered society having a place of business at 2 Gosforth Park Way, Gosforth Business Park, Newcastle Upon Tyne, NE12 8ET ("the Applicants")

Mr Ryan Skedd, residing at Flat 3, 8 Kidlaw Close, Edinburgh, EH16 6FT ("the Respondent")

Tribunal Members:

**Paul Doyle (Legal Member)
Ahsan Khan (Ordinary member)**

Decision

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

Background

The Applicant sought an order for payment of rental arrears totalling £4,184.83. The Applicant had lodged with the Tribunal Form F. The documents produced were a Tenancy Agreement dated 24/07/2020; a notice to leave served on 27/12/2023, a Notice in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 and a schedule of unpaid rental. A copy land certificate was lodged with the Tribunal which showed that the applicant is the heritable proprietor of the Property.

2. By interlocutor dated 14/03/2024, the application was referred to this tribunal. On 16/05/2024 the First-tier Tribunal for Scotland (Housing and Property Chamber) served notice of referral on both parties, directing the parties to make any further

written representations. No further representations were received from the respondent. The applicant's solicitor submitted further representations on 19/09/2024.

Case Management Discussion

3. A case management discussion took place by telephone conference at 10.00am on 11 October 2024 (a case management hearing assigned for 20 June 2024 was postponed in the hope that the application could be resolved without the tribunal's intervention). The applicants were represented by Ms C Mullen, of TC Young, solicitors. The respondent was neither present nor represented. The case file discloses that the respondent has had timeous intimation of the date, time, and method of joining the hearing. No application is made for an adjournment. We can justly determine this case in absence of the respondent.

4. The applicant wants to amend the sum claimed by increasing the sum applied for from £4,184.83 to £6,765.93 in terms of rule 14A of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. That application is unopposed.

5. The application is amended so that the sum applied for is £6,765.93.

Findings in Fact

6. The Tribunal made the following findings in fact:

(i) The Applicants and the Respondent entered into a Private Residential Tenancy Agreement for the Property on 24/07/2020.

(ii) The rent in terms of the Tenancy Agreement was initially £718.78 per month. The rent increased to £788.86 per month on 01/08/2023. The lease makes no provision for payment of interest on arrears of rental.

(iii) Since August 2023 the respondent had not paid the full monthly rental. At the date of application and at today's date the respondent has been in arrears of rent for more than three consecutive months. At the date of application, there were rent arrears totalling £4,184.83. At today's date, the rent arrears total £6,765.93.

(iv) The Respondent remains in the property. He has chosen not to provide any of his details to the tribunal and does not explain why significant arrears of rental have accumulated.

(v) The Respondent is a healthy, 28 year old, single man with no dependents. He lives alone in the property. He has not engaged with the Applicants and has chosen not to explain why he has amassed significant arrears of rental.

(vi) The Respondent does not resist the application for payment.

(vii) On 27/12/2023 the applicant served a notice to leave on the respondent in terms of s.50 of the Private Housing (Tenancies) (Scotland) Act 2016. A section 11 notice was served on both the Respondent and the local authority by the Applicant. On 16/02/2024, the Applicant submitted an application to the tribunal.

Reasons for the Decision

The Tribunal determined to make an Order for payment of ££6,765.93. Rent was lawfully due in terms of clause 8 of the Tenancy Agreement. The Respondent has not made a full payment of rental since August 2023. At the date of application there were arrears of rent totalling £4,184.83. At today's date there are rent arrears totalling £6,765.93.

The Tribunal makes no order for payment of interest on the sums due to the Applicants because there is no provision for payment of interest in the lease between the parties, and to impose an additional financial burden on the Respondent would be unfair.

Decision

For the foregoing reasons, the Tribunal determined to make an Order for payment in the sum of £6,765.93.

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.

P. Doyle

Legal Member

Date: 11 October 2024