



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/24/2359

Property : 9a Mar Grove, Musselburgh, East Lothian EH21 7BW (“Property”)

Parties:

Lar Housing Trust, Buchan House, Enterprise way, Dunfermline KY11 8PL (“Applicant”)

Amatual Chowdhury and Farhad Chowdhury, 98 Macbeth Moir Road, Musselburgh, Midlothian EH21 8EE (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for payment of £1,271.53 should be made.

The Applicant sought an order for payment of £1,271.53 in respect of rent arrears. The Applicant had lodged Form F. The documents produced were: a Private Tenancy Agreement which commenced on 20 August 2018, rent increase notices which sought to increase the rent as at 1 May 2019, 1 May 2022 and 1 August 2023 and a statement of rent arrears. The Tribunal had sight of a certificate of service which certified that the application had been served on the Respondent on 16 September 2024.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 18 October 2024 by teleconference. The Applicant was represented by Natasha Wyse and Mikko Ramstete. There was no appearance by or on behalf of the Respondent. Mr Ramstete told the Tribunal that the tenancy had ended in August 2023. He said that the Respondent continued to make small payments towards the arrears but had ceased making payments in March 2024. Ms Wyse said that recent attempts to contact the Respondent had been unsuccessful.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement which commenced on 20 August 2018.
2. In terms of the Tenancy agreement the rent was £619.38 per month.
3. The rent was increased to £657.10 per month with effect from 1 May 2022.
4. The rent was increased to £676.81 per month with effect from 1 August 2023.
5. The Respondent failed to pay the rent in full for the period 1 June 2023 to 12 March 2024. The unpaid amount was £1,271.53.

Reasons for the Decision

The Tribunal determined to make an Order for payment. In terms of the tenancy agreement rent was due at the rate of £619.38 per month and was increased to £657.10 with effect from 1 May 2022 then to £676.81 with effect from 1 August 2023. The Respondent failed to pay the rent in full for the period 1 June 2023 to 12 March 2024. The unpaid amount was £1,271.53.

Decision

The Tribunal grants an order for payment of £1,271.53.

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.

**Joan Devine
Legal Member**

Date : 18 October 2024