



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

Chamber Ref: FTS/HPC/CV/23/4610

Re: Property at 21 Regent Place, Edinburgh, EH7 5SB (“the Property”)

Parties:

Mr Peter Leveson, Calle Centinera, 11, Hervas, Caceres, 10700, Spain (“the Applicant”)

Ms Sophie Connon, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Yvonne McKenna (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) made a Payment Order in favour of the Applicant against the Respondent in the sum of £3,786.25.

Background

1. The Applicant seeks a Payment Order in respect of rent arrears said to be lawfully due by the Respondent to the Applicant under a tenancy between the parties.
2. The Application is accompanied by a copy of the tenancy agreement and rent statements.
3. The Applicant had sought to amend the sum claimed from £3786.25 to £9378.70 in advance of the Case Management Discussion.

4. The additional sums due were in relation to repairs, damage to the Property during the tenancy, replacement items and redecorating costs.

The Case Management Discussion

5. The Application called for a Case Management Discussion (“CMD”) by conference call at 10am on 28 October 2024. The Applicant was present. The Respondent did not attend and was not represented.
6. Service of the Application had been competently effected by the Tribunal by way of service by advertisement on the Respondent.
7. The Applicant sought an order for payment in the amount of £9378.70. The tribunal explained that although the Applicant had vouched the position regarding the rent arrears, he had provided no verification of the further amounts claimed. He was asked whether he wished to proceed to a continued CMD to provide verification or whether he sought to ask the tribunal for an order in relation to the rent arrears alone. It was explained that he could make a separate application regarding the new matters to the Tribunal.
8. The Applicant sought an order for the outstanding rent arrears alone. He recognised that he is currently not aware of the Respondent’s whereabouts and it may prove difficult to enforce the order.

Findings in Fact

9. The Parties entered into a tenancy agreement with a commencement date 7 September 2020 in terms of which the Applicant let the Property to the Respondent.
10. The contractual monthly rent was £700.
11. The rent was increased to £721 in May 2023.
12. The sum of £3786.25 is currently lawfully due as rent arrears by the Respondent to the Applicant.

Reasons for Decision

13. Having made the above findings in fact, the Tribunal granted the Application and made a Payment Order in favour of the Applicant against the Respondent in the sum of £3786.25. The Applicant had provided an updated rent statement showing the rental due and outstanding. No representations or appearance has been made by the Respondent after service.

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.

Yvonne McKenna

28 October 2024

Legal Member/Chair

Date