



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/24/3286

Re: Property at 85/6 Telford Road, Edinburgh, EH4 2SB (“the Property”)

Parties:

Ms Savita Handa, 1 House O'Hill Row, Edinburgh, EH4 2AW (“the Applicant”)

Tara Lothian, 85/6 Telford Road, Edinburgh, EH4 2SB (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment in the sum of Five thousand five hundred and fifty six pounds and sixty eight pence (£5,556.68)

Background

1. By application to the Tribunal the Applicant sought an order for payment against the Respondent in respect of unpaid rent arrears in the sum of £5855 under Rule 111 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”) and section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). In support of the application the Applicant provided a copy of the tenancy agreement between the parties and a rent statement.
2. By Notice of Acceptance of Application a Legal Member of the Tribunal with delegated powers of the Chamber President intimated that there were no grounds on which to reject the application. The application was therefore referred to a Case Management Discussion (“CMD”) on 14 November 2024, to take place by teleconference. Notification was sent to the parties in accordance with Rule

17(2) of the Rules of Procedure. Said notification together with a copy of the application paperwork was served upon the Respondent by Sheriff Officers on 10 October 2024. Both parties were invited to make written representations in advance of the CMD. No representations were received from either party.

3. On the morning of the CMD the Applicant submitted an updated rent statement. No written representations were received from the Respondent.

Case Management Discussion

4. The CMD took place on 14 November 2024 by teleconference. The Applicant was in attendance. The Respondent did not attend. The Tribunal noted that she had received notification of the CMD in accordance with Rule 17(2) of the rules, and had been given the opportunity to submit written representations and participate in the CMD. The Tribunal therefore determined to proceed in her absence.
5. The Tribunal explained the purpose of the CMD and asked the Applicant for her submissions on the application. The Applicant advised that she was seeking a payment order in the reduced sum of £5,556.68. She would not ordinarily pursue tenants for rent arrears however she was aware that the Respondent was in employment, and she wanted to protect other landlords from what she had been put through by the Respondent.
6. The Tribunal adjourned to deliberate, during which time the parties left the call, before resuming the Case Management Discussion and confirming its decision.

Findings in Fact

7. The Applicant let the property to the Respondent under a tenancy agreement which commenced on 10 March 2022.
8. In terms of Clause 8 of the said tenancy agreement the Respondent undertook to make payment of rent at the rate of £895 per calendar month.
9. As at the date of this decision arrears in the sum of £5,556.68 are outstanding.
10. Despite repeated requests the Respondent has refused to pay, or has delayed in making payment of, the sum due.

Reasons for Decision

11. The Tribunal determined that it had sufficient information upon which to make a decision at the CMD and that to do so would not be prejudicial to the parties. The Respondent had made no representations regarding the application and had not participated in the CMD. Accordingly the Tribunal did not identify any facts in dispute, nor any issues to be resolved, that would require a hearing to be fixed.
12. The Tribunal was satisfied based on its findings in fact that the Respondent was due to pay rent of £895 per month under the terms of the tenancy agreement

which had been produced by the Applicant. The Tribunal was further satisfied based on the rent statement submitted that arrears of £5,556.68 were due as at the date of this decision. The Respondent had submitted no evidence to contradict the position put forward by the Applicant.

13. Accordingly the Tribunal determined to make an order for payment in the sum of £5,556.68.
14. The decision of the Tribunal was unanimous.

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.

Ruth O'Hare

14 November 2024

Legal Member/Chair

Date