



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/24/0217

Re: Property at 67d Polton Street, Bonnyrigg, EH19 3DQ (“the Property”)

Parties:

Mrs Lisa Colquhoun, Mr Neil Colquhoun, 30 Parsonspool, Bonnyrigg, EH19 3NP (“the Applicant”)

Mr Stevie Iwaniec, 20 Eskdale Terrace, Bonnyrigg, EH19 2BH (“the Respondent”)

Tribunal Members:

Alison Kelly (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 made.

Background

1. On 13th January 2024 the Applicant lodged an application under Rule 111 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) seeking payment of a sum of rent arrears.
2. Lodged with the Application were:
 - a. Copy Private Residential Tenancy dated 8th June 2020 and showing a rent of £675 per month
 - b. Rent Statement showing arrears of £4801 as at 1st January 2024

3. On 1st August 2024 the Applicant's agent lodged an application for Service By Advertisement. Sheriff Officers were, however, able to trace an address for the Respondent.
4. The papers were served on the Respondent by Sheriff Officer on 27th November 2024.
5. On 8th January 2025 the Applicant's agent lodged an up to date rent statement showing the arrears to 1st April 2024 as £6826.

Case Management Discussion

6. The Case Management Discussion ("CMD") took place on 20th January 2025 by teleconference. The Applicant was represented by Mr Reid of Neil Reid Property. The Respondent did not attend and was not represented.
7. The Chairperson confirmed the purposes of a CMD in terms of Rule 17 of the Rules.
8. Mr Reid asked that an order be granted for payment, in the amount of £6826, being the sum due as shown on the rent statement and being the arrears due as at 30th April 2024. He said that an eviction application had also been lodged but was withdrawn after the Respondent left the property. He left without making any contact with the Applicant and therefore Mr Reid could only say that he had left some time before 30th April 2024.

Findings in Fact

- i. The parties entered in to a tenancy agreement for rent of the property;
- ii. The monthly rent was £675;
- iii. The Respondent vacated the property without notice sometime before 30th April 2024;
- iv. At the end of the tenancy the rent arrears owed were £6826.

Reasons for Decision

The Respondent owes rent to the Applicant in the amount of £6826.

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.

Alison Kelly

20th January 2025

Legal Member/Chair

Date