



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/24/3982

Re: Property at 65B Cumberland Street, Edinburgh, EH3 6RD (“the Property”)

Parties:

Mrs Alison Farnham, Mr Benjamin Farnham, 11 Rue de La Ferme, Thoiry, France (“the Applicants”)

Mr Dominic Norris, Ms Natalia Costa, 12 St. Johns Street, Duxford, Cambridge, CB22 4RA; 12 St. Johns Street, Duxford, Cambridge, CB22 4RA (“the Respondents”)

Tribunal Members:

Graham Harding (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicants were entitled to an order for payment by the Respondents to the Applicants in the sum of £5576.55.

Background

1. By application dated 27 August 2024 the Applicant’s representatives, Rettie & Co, Letting Agents, Edinburgh, applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondents’ tenancy of the property. The Applicants submitted a copy of the tenancy agreement together with a rent statement and emails in support of the application.

2. By Notice of Acceptance dated 31 October 2024 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion ("CMD") was assigned.
3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 5 March 2025.
4. By email dated 10 March 2025 the First Named Respondent submitted written representations to the Tribunal.
5. By email dated 14 March 2025 the Applicants' representatives submitted further written representations to the Tribunal and reduced the sum claimed to £5576.55.
6. By email dated 24 March 2025 the Applicants' representatives submitted further written representations to the Tribunal.

The Case Management Discussion

7. A CMD was held by teleconference on 1 May 2025. The Applicant was represented by Ms Begley of Rettie & Co. The Respondent Mr Norris attended on behalf of both Respondents.
8. Ms Begley confirmed to the Tribunal that the rent arrears amounted to £5576.55 after payment of the Respondents' deposit to the Applicant and deduction for certain outgoing charges.
9. For the Respondents, Mr Norris explained that although the tenancy was in the name of the Respondents the rent had been due to be met by the production company that Mr Norris worked for. Mr Norris went on to say that he was waiting on payment from the company but that there had been a delay in finalising his account. He said that he expected to be able to settle the outstanding amount in full by 20 May 2025.
10. Mr Norris confirmed that he accepted that the sum claimed by the Applicants was due and after some discussion with the parties it was agreed that if the debt was paid by 20 May 2025 the application would be withdrawn but if it was not paid the application would be granted and an order for payment in the sum claimed made.

Findings in Fact

11. The Respondents owe the Applicants rent of £5576.55.

Reasons for Decision

12. The Tribunal was satisfied from the written representations and documents submitted by the Applicant's representatives together with the oral submissions of both parties that the Applicants were owed rent by the Respondents in the sum of £5576.55. It was agreed by the parties that if the Respondents failed to pay the sum owed by 20 May 2025 the Tribunal would grant the Application for an order for payment. The Respondents have failed to make payment within the time period allowed and the Tribunal has therefore granted the application.

Decision

13. The Tribunal finds the Applicants entitled to an order for payment by the Respondents to the Applicants in the sum of £5576.55.

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.

**Graham Harding
Legal Member/Chair**

**22 May 2025
Date**