

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision with reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) in terms of Rule 17 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) in respect of an application under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) and Rule 111 of the Rules

Chamber Ref: FTS/HPC/CV/24/5649

Re: Property at 51 Caiystane Terrace, Edinburgh, EH10 6SU (“the Property”)

Parties:

Mr Brian Gerrard, 16 Craigmount Bank West, Edinburgh, EH4 8HG (“the Applicant”) per his representative CP Property having an address at 98 – 100 High Street Dalkeith EH22 1HZ (“the Applicant’s Representative”)

Mr Abdullah Alakel, 36 Auchingane, Edinburgh, EH10 7HX (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member)

Decision

The Tribunal determined that an Order for Payment in the sum of TWO THOUSAND NINE HUNDRED AND THIRTY POUNDS (£2,930.00) Sterling be granted in favour of the Applicant.

Background

1. By application received on 9 December 2024, the Applicant’s representative applied to the Tribunal for an Order for Payment of rent due and owing by the Respondent amounting to £2,930.00.
2. The Application comprised the following: a copy private residential tenancy agreement between the Parties with an initial monthly rent of £1,854.00; rent

increase notices increasing the rent to £2,200.00 per month, copy rent statement showing arrears of rent of £2,930.00 due and owing to 5 December 2024 and copy payment reminders to the Respondent.

3. The Application was accepted by the Tribunal Chamber and a Case Management Discussion (the “CMD”) was fixed for 26 June 2025 at 14.00 by telephone conference. The CMD was intimated to both Parties, and, in particular, was intimated to the Respondent, by Sheriff Officer service on 2 April 2025.

CMD

4. The CMD took place on 26 June 2025 at 14.00 by telephone. The Applicant was not present and was represented by Mr. C. Duffy of the Applicant’s Representatives. The Respondent was not present and was not represented. He did not submit written representations. The Tribunal was satisfied that he had had service of the Application and was aware of the proceedings and was aware that he was required to attend the CMD. The Tribunal, therefore, proceeded in his absence on the basis that there was no formal opposition to the Application.
5. Mr. Duffy confirmed that an Order for £2,930.00 was sought in respect of unpaid rent due by the Respondent.

Findings in Fact

6. From the Application and the CMD, the Tribunal made the following findings in fact: -
 - i) There was a private residential tenancy of the Property between the Parties which ended on or around 5 December 2024;
 - ii) The monthly rent at that time was £2,200.00;
 - iii) During the course of the tenancy the Respondent fell into arrears of rent;
 - iv) At the close of the tenancy the level of arrears amounted to £2,930.00;
 - v) At the date of the CMD this amount remains unpaid and due and owing by the Respondent to the Applicant.

Decision and Reasons for Decision

7. The Tribunal had regard to all the information before it and to its Findings in Fact.
8. The Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal “*may do anything at a case management discussionincluding making a decision*”. Having found in fact that the Respondent is due and

owing to the Applicant for the sum of £2,930.00, the Tribunal proceeded to make an order for payment in this sum

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.

K.Moore

Legal Member/Chair

**26 June 2025
Date**