

Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/19/0886

Re: Property at 37 Albany Street, Edinburgh, EH1 3QN (“the Property”)

Parties:

Mr Lukas Van Tooren, Mrs Carol Ann Van Tooren, Ericapark 17, Alphen Aan Den Rijn 2403 EE, The Netherlands (“the Applicant”)

Mr Chris Sutherland, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Patricia Pryce (Legal Member)

Decision in absence of the Respondent

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for payment in the sum of £7,821.45 together with interest thereon at the rate of 8% per annum above the base lending rate of the Bank of Scotland from the date of this decision.

- **Background**

This is an application for a payment order in terms of Rule 70, under Section 16 of the 2014 Act. The application sought payment of the sum of £7,821.45 together with interest thereon at the rate of 8% per annum above the base lending rate of the Bank of Scotland.

- **The Case Management Discussion (CMD)**

Mr Van Tooren attended the CMD along with his solicitor, Miss K Donnelly.

The Respondent did not attend nor was he represented. The Applicants had made several attempts to locate the Respondent, to no avail. The application was served on the Respondent by way of advertisement and a certificate of service was produced to the Tribunal. The Tribunal determined to proceed in the absence of the Respondent in light of all of the efforts that had been made to locate him.

- **Findings in Fact**

1. The Applicants entered into a tenancy agreement with the Respondent in respect of the property at 37 Albany Street, Edinburgh.
2. The tenancy agreement began on 16 June 2016 and ended on 15 October 2018.
3. The rent in terms of the tenancy agreement was £1,650 per calendar month.
4. The Respondent last paid rent of £1,600 on 1 June 2018.
5. The Respondent made no further payments towards rent and when he left the property in October 2018, the rent arrears amounted to £6,650.
6. The Respondent changed the locks in the property without advising the Applicants. The Applicants required to change the locks after the Respondent left the property at a cost of £187.20.
7. The application seeks various sums of money, all of which are fully referred to within the Paper Apart and all of which are invoiced and fully vouched within the application. These sums amount in total to £1,171.45.
8. The Respondent owes the Applicants the total sum of £7,821.45.
9. The Applicants are entitled to seek interest on sums due by the Respondent in light of Clause Four of the tenancy agreement in respect of the property.

- Reasons for Decision

The application clearly and methodically sets out the basis upon which the sums sought are due. The application also provides clear for all sums sought and due. The sum sought is fair and reasonable and an accurate figure of what the Respondent owes the Applicants in light of the documentation produced within the application and in light of the Respondent's obligations in terms of the tenancy agreement.

- Decision

The Tribunal determined to grant the order for payment together with interest thereon as noted above.

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.

21 May 2019

Patricia Pryce

Legal Member/Chair

Date