



**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 for Civil Proceedings in relation to a Private
Residential Tenancy.**

Chamber Ref: FTS/HPC/CV19/2355

Re: Property: 8B Lothian Street, Bonnyrigg, Midlothian, EH19 3AD

Parties:

**Mrs Angela Sinnet, 8C Lower Broomieknowe, Lasswade, Midlothian, EH18 1LW
("the Applicant")**

**Miss Nicky Cameron, Mr Jason Tully, 8B Lothian Street, Bonnyrigg, Midlothian,
EH19 3AD ("the Respondents")**

Tribunal Members:

Karen Kirk (Legal Member)

This Hearing was a Case Management Discussion fixed in terms of Rule 17 of the Procedure Rules and concerned an Application under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (hereinafter referred to as "the 2016 Act") for civil proceedings in relation to a private residential tenancy. The purpose of the Hearing being to explore how the parties dispute may be efficiently resolved. The purpose of the hearing was explained and it was understood a final decision on the Application could also be made.

Attendance and Representation

The Applicant was represented by Rettie & Co Ltd, 4 Jamaica Street, Edinburgh, EH3 6HH.

The Respondents did not attend the Tribunal. No written representations had been received.

Preliminary Matters

The Applicant's representative confirmed that an undated rent statement had been sent to the respondents and the Tribunal on 25th September 2019. The Tribunal had also sent this correspondence to the Respondents.. The Tribunal allowed same to be received and considered that the continuing rent to the property being not a new issue, the relevant sum owed by the respondents to the Applicant was £3900.

There were no other preliminary matters arising.

Matters Raised

The Tribunal confirmed with the Applicant's representative of their knowledge if any of any entitlement to a relevant benefit or any reason for non payment of rent. The Applicant's representative confirmed that the deposit was received from Midlothian Council but no further information was received from them. Other than the deposit no payments under the tenancy had been paid since the tenancy commenced in April 2019 and no reasons for non payment had been given. No communication had been received regarding any claim made or progressing regarding a relevant benefit. The Applicant's representative confirmed further to the Tribunal that the company's bank account had been checked on the morning of the Hearing to confirm no payments had been received. The statement of rent lodged dated 25th September 2019 remained correct. No payments had been received. As at 3rd October 2019 rent due was £3900.

The Applicant's representative confirmed that a payment order for non payment to the amount of £3900 was sought.

There were no other matters arising.

Decision (in the absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") granted an order against the Respondents for payment of the sum of £3900 to the Applicant, under section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.

K. Kirk

Reasons for Decision and Findings in Fact

1. The Tribunal was satisfied that a decision could be made at the Case Management Discussion and that to do so would not be contrary to the interests of the parties having regard to the Overriding objective. The Respondents had received notification of the proceedings and had not challenged same by written representations or attendance.
2. The Applicant sought an Order for non payment of rent to the amount of £3900.
3. The Tribunal was satisfied that the Applicant was the heritable proprietor of the Property.
4. The Tribunal was satisfied that the relevant tenancy was in terms of of the 2016 Act, a Private Residential Tenancy properly constituted and dated 22nd April 2019. The Tribunal was further satisfied that the rent due was £650 per month and on the evidence before the Tribunal no rental payments had been received to date under this said Tenancy. Two rental statements had been lodged by the Applicant evidencing the rent due and significant submissions regarding rent due were made by the Applicant's representative at the hearing. Further correspondence in the Application confirmed that no payments had been made by the Respondents.
5. Accordingly in terms of Section 71 of the 2016 Act the Tribunal granted a payment order against the Respondent for the sum of £3900

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. Kirk

Legal Member/Chair

3/10/19

Date