



**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/19/2592

Re: Property at 3F3, 21 Torphichen Place, Edinburgh, EH3 8DY (“the Property”)

Parties:

Mr David Pollock, 14 Craiglockhart View, Edinburgh, EH14 1BX (“the Applicant”)

Mr Grant Tickle, 3F3, 21 Torphichen Place, Edinburgh, EH3 8DY (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order for payment against the Respondent in the sum of £4,500.

Background

The Applicant submitted an application seeking an order for payment in the sum of £4,500. That sum related to arrears of rent in respect of the Respondent’s tenancy of the property at 3F3, 21 Torphichen Place, Edinburgh. The Tribunal intimated the application to the parties by letter of 12th September 2019 and advised them of the date, time and place of today’s case management discussion. In that letter, the parties were also told that they required to attend the hearing and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 3rd October 2019. No written representations were received by the Tribunal.

The Case Management Discussion

The Applicant was represented by Ms Jacqueline Ridley, solicitor. The case management discussion proceeded in the absence of the Respondent. The Applicant's solicitor advised the Tribunal that there have been no payments from the Respondent in respect of rent and accordingly, the rent arrears have increased to £5,850. The Applicant's solicitor sought an order for payment in that sum. The Tribunal observed that there has been no application to amend the sum sought and therefore, there has been no notice to the Respondent that an order for an increased sum would be sought.

Findings in Fact

1. The Applicant and the Respondent entered into a Tenancy Agreement dated 6th March 2018.
2. The rent payable was £650 per month, payable in advance.
3. The Respondent failed to pay rent from January to March and May to August, 2019.
4. The Applicant is entitled to the Order sought for payment in the sum of £4,500 in respect of rent arrears.

Reason for Decision

The Applicant has produced documentation which shows that the rent arrears amounted to £4,500 at the time the present application was presented. Although the Applicant's solicitor advised that the rent arrears have continued to accrue, there has been no fair notice to the Respondent that a higher sum would be sought today. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Tribunal was satisfied that rent arrears are due by the Respondent and therefore granted the order for payment.

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.

Nicola Irvine

Legal Member/Chair

22nd October 2019

Date