



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/19/3830

Re: Property at Flat 2, 244 Queensferry Road, Edinburgh, EH4 2BP (“the Property”)

Parties:

144A Lettings Limited, 114A Ferry Road, Edinburgh, EH6 4NX (“the Applicant”)

Ms Alexis Morrison, Flat 2, 244 Queensferry Road, Edinburgh, EH4 2BP (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment of £3195 with interest at the rate of 4% per annum be granted.

- 1. The applicant applied under Rule 111 for an order for payment. Accompanying the application for a copy of the Private Residential Tenancy Agreement dated 13 and 14 May 2019, copy emails sent by the applicant to the respondent regarding arrears. As at the date of the application (25 November 2019) arrears amounted to £3,195.**
- 2. The applicant had subsequently by letter of 22 January 2020, received on 23 January 2020 sought to amend the amount due to the sum of £4,257.88. This had not been intimated on the respondent.**
- 3. The application had been served on the respondent by sheriff officer on 30 December 2019 by depositing. There were no written representations received from the respondent.**

Case Management Discussion

1. At the case management discussion Mr Decosta solicitor appeared with applicant. There was no appearance by or for the respondent.
2. It was clarified that the applicant was Mr Jose Antonio Hernandez which brought this application in line with the application numbered FTS/HPC/19/3895

Findings in Fact

1. That the parties entered into a Private Residential Tenancy Agreement dated 13 and 14 May 2019 in respect of the property at 244/2 Queensferry Road, Edinburgh EH4 2BP.
2. That as at 25 November 2019 arrears of rent in the sum of £3,195 had accrued.

Reasons for decision

1. The applicant and his solicitor spoke to the paperwork which had been lodged. The paperwork disclosed that there had been arrears of rent accruing in the lease. This was not disputed by the respondent who did not attend at the hearing nor had lodged any.
2. The Tribunal were not prepared to amend the sum sued for as insufficient notice had been given.

Decision

1. To make an order for payment by the respondent to the applicant of the sum of £3,195 together with interest at the rate of 4% per annum from the date of the order until paid.

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.

Mark Thorley

Legal Member/Chair

27 January 2020

Date