

**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/CV/19/0249

Re: Property at 5/1 Powderhall Rigg, Edinburgh, EH7 4GA (“the Property”)

Parties:

Mr Kenneth Anderson, 34 Castle Lawns, Sandyford, Dublin 18 (“the Applicant”)

Mr Nicholas Green, 5/1 Powderhall Rigg, Edinburgh, EH7 4GA (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

BACKGROUND

1. By lease dated 1 February 2018 the Applicant let the Property to the Respondent;
2. The rent payable was £800.00 per calendar month;
3. The Tribunal previously considered an application for rent arrears for rent due on the first days of August, September, October and November 2018. (Tribunal ref FTS/HPC/CV/19/0249 refers). The Tribunal, in that separate application, made an order for payment of rent arrears for those months;
4. The Respondent remained in occupation of the Property until 1 February 2019. No further rental payments were made by him. The Applicant, therefore, seeks a further order for payment in the sum of £1,600.00, being rent due on 1 December 2018 and 1 January 2019;

THE CASE MANAGEMENT DISCUSSION

5. The Applicant did not attend the Case Management Discussion but was represented by Duncan McDonald, Broughton Property Management, Edinburgh;
6. The Respondent was not in attendance at the Case Management Discussion. The Tribunal had attempted to serve notice of the proceedings on him. A sheriff officers report indicated that he had moved from his last known address and his current whereabouts were unknown. The Tribunal thereafter advertised the proceedings, including the place, date and time of the Case Management Discussion, on the Tribunal website and a certificate certifying the same was produced. In the circumstances, the Tribunal being satisfied in terms of Rule 24(1) of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (the "FTT Rules") that the Respondent had received notice of the proceedings, determined, in accordance rule 29 of the FTT Rules, that it was appropriate to proceed with the Case Management Discussion;
7. The Applicant's representative confirmed that the rent payments claimed remained outstanding. The Tribunal was requested to make an order for payment in the sum of £1,600.00;

FINDINGS IN FACT

8. The Tribunal found the following facts to be established:-
 - a) By lease dated 1 February 2018 the Applicant let the Property to the Respondent;
 - b) The rent payable was £800.00 per calendar month;
 - c) The Tribunal previously considered an application for rent arrears for rent due on the first days of August, September, October and November 2018. (Tribunal ref FTS/HPC/CV/19/0249 refers). The Tribunal, in that separate application, made an order for payment of rent arrears for those months;
 - d) The Respondent remained in occupation of the Property until 1 February 2019. No further rental payments were made by him;
 - e) Rental payments in the sum of £1,600.00, being rent due on 1 December 2018 and 1 January 2019, are due and payable by the Respondent to the Applicant;

DECISION

The Tribunal granted an order against the Respondent for payment of the sum of ONE THOUSAND SIX HUNDRED POUNDS (£1,600.00) STERLING to the Applicant

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.

V Crawford

24 May 2019

Legal Member/Chair

Date