



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

Chamber Ref: FTS/HPC/CV/21/1956

Re: Property at 20/13 St Clair Street, Leith, Edinburgh, EH6 8LA (“the Property”)

Parties:

Mr Craig Brown, Mrs Julie Brown, 10 Orleans Street, Ngaio, Wellington, 6035, New Zealand (“the Applicant”)

Ms Alana Andrews, formerly residing at 47 Granton Mains Gait, Edinburgh, EH4 4GG and Miss Billie Maloney, formerly residing at 65 Wisp Green, Edinburgh, EH 15 3QY, both of whose addresses are currently unknown (the Respondents”)

Tribunal Members:

Virgil Crawford (Legal Member)

Decision (in absence of the Respondents)

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

BACKGROUND

1. By Lease dated 16th February 2021 the Applicants Let the property to the Respondents;
2. The rent payable in terms of the lease is £695.00 per calendar month, payable in advance;
3. The Respondents fell into arrears of rent as a result of which the Applicants presented an application to the Tribunal seeking an Order for payment of rent arrears;

4. The application was presented on 13th August 2021. As at that date the arrears of the rent amounted to £2,464.40;
5. The Respondents have removed themselves from the Property;
6. Following their removal, the agents for the Applicants recovered funds from a tenancy “reposit” scheme (as opposed to a Tenancy deposit scheme). The amount recovered was £1,283.12. £463.96 of that amount was applied towards costs of repair and cleaning etc. due to the condition of the Property when the Respondents vacated it, the balance of £819.16 being applied to the rent account to reduce the level of arrears;
7. The lease made provision for late payment fees to be applied in relation to unpaid rental payments. These amounted to £288.00 of the total amount of rent arrears. The Applicants confirmed that these charges could also be removed from the amount due. The level of rent arrears as at the date of the Case Management Discussion on 14 January 2022 was, therefore, £1,357.24;

THE CASE MANAGEMENT DISCUSSION

8. The Applicant Craig Brown participated in the Case Management discussion. The Applicant Julie Brown did not, but both were represented by Miss A Taylor of Braemore Sales and Letting, Edinburgh. The Respondents did not participate in the Case Management discussion. The Tribunal, however, was in receipt of a Certificate of Intimation of the proceedings on the Tribunal website and, therefore, the Tribunal, being satisfied in terms of Rule 24 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“The FTT Regs”) that the Respondents had received notice of the same, determined that it was appropriate to proceed in accordance with Rule 29 of the FTT Regs;
9. The Applicants representative advised that since the date of the application, the level of arrears had decreased. The level of arrears now amounted to £1,357.24. An updated rent statement was provided and an order for payment in that amount was sought.

FINDINGS IN FACT

10. The Tribunal found the following facts to be established:-
 - a) By Lease dated 16th February 2021 the Applicants Let the property to the Respondents;
 - b) The rent payable in terms of the lease is £695 per calendar month, payable in advance;
 - c) The Respondents fell into arrears of rent, As at 14 January 2022 the amount due by the Respondents to the Applicants was £1,357.24;
 - d) The amount of £1,357.24 is due, resting and owing by the Resondents to the Applicants

DECISION

The Tribunal granted an Order for payment of the sum of ONE THOUSAND THREE HUNDRED AND FIFTY SEVEN POUNDS AND TWENTY FOUR PENCE (£1,357.24) STERLING by the Respondents to the Applicants.

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

14 January 2022

Legal Member/Chair

Date