

**Housing and Property Chamber**  
First-tier Tribunal for Scotland



**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/18/2585**

**Re: Property at 8 McDiarmid Grove, Newtongrange, EH22 4QR (“the Property”)**

**Parties:**

**Miss Kirsty Baxter, 185 Newbattle Abbey Crescent, Dalkieth, EH22 3LT (“the Applicant”)**

**Mr Mohammed Shafiq, 8 McDiarmid Grove, Newtongrange, EH22 4QR (“the Respondent”)**

**Tribunal Members:**

**Fiona Watson (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent(s) for payment of the undernoted sum to the Applicant(s):**

**Sum of TWO THOUSAND TWO HUNDRED AND FORTY FIVE POUNDS AND FIFTY PENCE (£2245.50) STERLING**

An application was received from the Applicant by the Tribunal on 20 September 2018. Said application was submitted under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Chamber Rules”) being an application for civil proceedings in relation to an assured tenancy. Said Application sought a payment order in the sum of £3020.50 in respect of rent arrears accrued by the respondent under a short assured tenancy agreement.

A Case Management Discussion was held on 11 January 2019. Mr Charles Stewart appeared on behalf of the applicant. There was no appearance by or on behalf of the respondent. The respondent had sent an email to the Tribunal administration at 15.07 on 10 January 2019 indicating that he was unable to appear due to work

commitments. Said email stated that the respondent was "happy to set up a payment plan." No proposals for any payment plan were included within the terms of the email.

Mr Stewart moved for a payment order to be granted. He confirmed that a deposit had been retained in the sum of £775 which fell to be deducted from the arrears figure, leaving a balance due of £2245.50. He sought a payment order in the sum of £2245.50. He confirmed that no payment proposals had been made by the respondent in relation to repaying the arrears due. The respondent had removed from the property on 28 September 2018.

The Tribunal was satisfied that:

- The parties had entered into a short assured tenancy agreement which commenced 27 February 2015 and ended on 28 September 2018
- In terms of the said tenancy agreement the respondent was due to pay a monthly rent of £625 under clause 2 of said tenancy agreement
- The respondent had failed to pay rent lawfully due and as at the date of termination of the agreement the sum of £3020.50 fell due to be paid
- A deposit had been retained in the sum of £775 at termination of the tenancy to be deducted from the balance of arrears due
- The total sum of £2245.50 fell due to be paid by the respondent in terms of the said tenancy agreement

Accordingly, the First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent(s) for payment of the undernoted sum to the Applicant(s):

Sum of TWO THOUSAND TWO HUNDRED AND FORTY FIVE POUNDS AND FIFTY PENCE (£2245.50) STERLING

### 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.**

F Watson

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Legal Member/Chair

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Date

11/1/19