



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ('The Procedure Rules) in relation to an application for civil proceedings relative to a Private Residential Tenancy under Rule 111 of the Procedure Rules.

Chamber Ref: FTS/HPC/CV/22/1886

Re: 5/75 Elfin Square, 500 Gorgie Road, Edinburgh, EH11 3AF ("the Property")

Parties:

Spindlehawk Limited, Third Floor, Building 2, Universal Square, Devonshire Street North, Manchester, M12 6JH ("the Applicant")

Emma Birnie, 41 Whitson Road, Edinburgh, EH11 3BU ("the Respondent")

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal")

Tribunal Member: Jacqui Taylor (Legal Member)

Background

1. The Applicant submitted an application to the Tribunal for payment of arrears of rent in the sum of £5640 being the sum outstanding following termination of the tenancy of the Property.

2. Documents lodged with the Tribunal.

Documents lodged with the Tribunal by the Applicant were:

- 2.1** A copy of the Tenancy Agreement.
- 2.2** Rent Statement

3. Requirements of Section 111 of the Procedure Rules.

3.1 In connection with the requirements of section 111 the Tribunal determined that the application correctly detailed the requirements of section 111(i), (ii) and (iii) of the Procedure Rules namely:-

- (i) the name and address of the Applicant.
- (ii) the name and address of the Respondent.
- (iii) the reason for making the application.

3.2 The Tribunal also confirmed that the application had been accompanied by the documents specified in **Section 111(b)(i) and (ii) and (iii)** of the Procedure Rules being a copy of the lease and the statement of rent arrears.

4.Outcome

This case called for a conference call Case Management Discussion (CMD) at 14.00 pm on 8th September 2022.

The Applicant did not attend. They were represented by William Dodds, Residential Property Manager with MCR Property.

The Respondent did not attend and was not represented.

A letter containing details of the CMD had been served on the Respondent by Christopher Andrew, Sheriff Officer on 27th July 2022.

The Tribunal were satisfied that the Respondent had received notice of the CMD, as required by Tribunal Rule 24(1), and proceeded with the CMD.

The Respondent had not provided any written representations.

4.1 Mr Dodds confirmed the following facts, which were accepted by the Tribunal:

4.1.1 The Applicant had been the Landlord of the Property. Their title was registered in the Land Register of Scotland under Title Number MID214715.

4.1.2 The Respondent had been the Tenant of the Property in terms of the Private Residential Tenancy between the parties dated 24th February 2021.

4.1.3 The Tenancy commenced on 25th February 2021 and terminated on 24th January 2022.

4.1.4 The rent due in terms of the tenancy was £795.00 per month, payable monthly in advance.

4.1.5 The Respondent had paid a deposit of £995.00 which had been lodged in a Safe Deposit Scheme and had been returned to the Applicant.

4.2 Mr Dodds advised that Tribunal that the current arrears amounted to £5640 and he referred the Tribunal to the rent statement that had been produced, which included the deduction of the deposit of £995.

He explained that the Respondent had been in touch with the Landlords direct on 28th July 2022 and she had offered to set up a standing order to pay off the rent arrears but no payments had been received.

5. Decision

5.1 The Tribunal accepted as correct the evidence of the rent statement produced which showed the outstanding rent to be £5640.

5.2 The Tribunal determined that the outstanding rent due by the Respondent amounted to £5640 and accordingly they issued an Order for Payment in this sum.

6. 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.

J Taylor

..... Legal Member

8th September 2022