



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”)

Chamber Ref: FTS/HPC/CV/22/1516

Property at 28/5 Glen Street, Edinburgh, EH3 9JE (“the Property”)

Parties:

DFR Properties Ltd, Ben-y-Vrackie, East Links, Leven, Fife, KY8 4JL (“the Applicant”)

Ms Nicole Gavriluta, formerly of 28/5 Glen Street, Edinburgh, EH3 9JE, and now address unknown (“the Respondent”)

Tribunal Members:

Josephine Bonnar (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a payment order for the sum of £8662.05 should be granted against the Respondent in favour of the Applicant.

Background

- 1. The Applicant seeks a payment order in relation to unpaid rent. Documents lodged in support of the application include a tenancy agreement and rent statement.**
- 2. A copy of the application and supporting documents were served on the Respondent by Sheriff Officer on 9 September 2022. Both parties were notified that a case management discussion (“CMD”) would take place by telephone conference call on 25 October 2022, and they were required to participate. On 13 September 2022 the Applicant lodged an updated rent statement showing arrears of £7587.12. On 20 October 2022, a further update was provided, stating that arrears of £9487.12 were now due.**

3. The CMD took place on 25 October 2022 by telephone conference call. The Applicant was represented by Ms Doolan, the letting agent. The Respondent did not participate and was not represented.

Case Management Discussion

4. Ms Doolan told the Tribunal that she received an email from the Respondent on 23 October 2022, stating that she had now vacated the property. The keys have also been returned. She said that the rent arrears have been re-calculated to this date and that the sum outstanding on 23 October 2022 was £8662.05. A payment order is sought for that sum.
5. In response to questions from the Tribunal, Ms Doolan said that various reasons were given by the Respondent for non-payment. She said that her bank account had been hacked and that she had to travel overseas because her brother was ill. She also claimed to have paid a sum of money which was not received. When further details were requested the account number of the payee was incorrect. In her email to Ms Doolan, the Respondent stated that she is staying in London for two or three days before moving to America.

Findings in Fact

6. The Applicants is the owner and landlord of the property.
7. The Respondent was the tenant of the property in terms of a private residential tenancy agreement. The tenancy ended on 23 October 2022.
8. The Respondent has incurred rent arrears of £8662.05
9. The Respondent owes the Applicant the sum of £8662.05 in unpaid rent.

Reasons for Decision

10. A copy of the tenancy agreement was submitted with the application. In terms of the agreement, the Respondent was due to pay rent at the rate of £950 per month. The Applicant lodged a rent statement with the application and an updated rent statement on 13 September 2022. A further update was provided on 20 October 2022 and the Applicant's representative provided a re-calculated figure at the CMD to reflect the fact that the tenancy ended on 23 October 2022.
11. The Tribunal is satisfied that the sum outstanding on 23 October 2022 was £8662.05 and that a payment order for this sum should be granted in favour of the Applicant.

Decision

12. The Tribunal determines that a payment order should be granted against the Respondent.

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.

Josephine Bonnar, Legal Member

25 October 2022

