



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (Act)

Chamber Ref: FTS/HPC/CV/22/0552

Re: Property at 587 Lanark Road, 1F1, Edinburgh, EH14 5DA (“the Property”)

Parties:

Scottish Midland Co-operative Society Limited, Hillwood House, 2 Harvest Drive, Newbridge, EH28 8QJ (“the Applicant”)

Mr Gavin O'Reilly, 587 Lanark Road, 1F1, Edinburgh, EH14 5DA (“the Respondent”)

Tribunal Member:

Alan Strain (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment be granted in the sum of £3262.50 with interest at 4% per annum.

Background

This is an application under Rule 111 of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (Rules)* and section 71(1) of the Act in respect of a claim for payment of alleged rent arrears and additional costs of £3262.50.

The Tribunal had regard to the following documents:

1. Application received 23 February 2022;
2. Private Residential Tenancy Agreement (**PRTA**) dated 20 August 2020;
3. Rent Arrears Statement as at date of CMD;
4. Certificate of Service from Sheriff Officers dated 28 April 2022.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 9 June 2022. The Applicant was represented by its solicitor. The Respondent did not participate and was not represented.

The Tribunal was satisfied that the Respondent was aware of the CMD as he had received notification by Sheriff Officer. The Tribunal considered that it was fair to proceed and to determine the matter if it had sufficient information upon which to do so.

The Applicant sought to amend the sum sued for to £3262.50. This had been communicated by email to the tribunal and the Respondent on 26 May 2022. The tribunal granted the amendment.

The Applicant made submissions to the effect that the tribunal should grant the order sought.

The Tribunal then considered the documentary evidence it had received and the submissions made. In so far as material the Tribunal made the following findings in fact:

1. The Parties let the subjects under a PRTA dated 20 August 2020;
2. The monthly rent was £665;
3. As at the date of the CMD the Respondent was in arrears of rent in the sum of £2,962.50;
4. The Applicant had incurred recoverable costs of £300 in terms of Clause 37 of the lease;

Decision and Reasons

The tribunal was satisfied that in the circumstances the Applicant was due the outstanding rent from the Respondent along with recoverable costs of £300 and granted the order sought.

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.

A. S

9th June 2022

Legal Member/Chair

Date

