



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/23/1553

Re: Property at 65D New Street, Musselburgh, EH21 6DA (“the Property”)

Parties:

Ms Sheila Kidd (formerly Coventry), 5 (1F1) St Marys Place, Edinburgh, EH15 2QF (“the Applicant”)

Mr Gary Telford formerly residing at 20f Goosegreen Crescent, Musselburgh, EH21 7SQ and now whose present whereabouts are unknown (“the Respondent”)

Tribunal Member:

Melanie Barbour (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order in favour of the Applicant against the Respondent for payment of the sum of FIVE THOUSAND FOUR HUNDRED POUNDS (£5,400.00) STERLING

Background

1. An application had been received under Rule 70 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for payment.
2. The application contained: -
 - (1) the tenancy agreement,
 - (2) rent statement
3. The applicant’s agent appeared at the case management discussion on 12 September 2023. The respondent did not appear. There was evidence of service by advertisement I was prepared to proceed in the absence of the respondent.

Discussion

4. The applicant’s agent advised that he was seeking an order for payment of the sum of £5,400 for rent arrears. He referred to the papers and written statement, that the respondent had rented the property from 9 May 2015 until 27 October 2022. It was a short assured tenancy. The respondent had failed to make a number of rental payments between 27 December 2021 and 27 October 2022. A rent statement was submitted showing the arrears.
5. He advised that the respondent was aware of the rent arrears. He advised that there had been no payments since the proceedings were raised and the sum of £5,400 remained due.

Findings in Fact

6. The Tribunal found the following facts established: -
7. There existed a short assured tenancy between the Applicant and the Respondent. It had commenced on 9 May 2015

8. The tenant was Gary Telford.
9. The landlord was Sheila Coventry. The landlord is now known as Sheila Kidd.
10. The property was 65D New Street, Musselburgh.
11. The tenancy agreement provided that rent of £650 a calendar month was payable.
12. At 27 October 2022 rent arrears were £5,400. There was a rent statement submitted showing these arrears.
13. The respondent had left the property on 27 October 2022.
14. The rent arrears of £5,400 remained due as at 12 September 2023.

Reasons for Decision

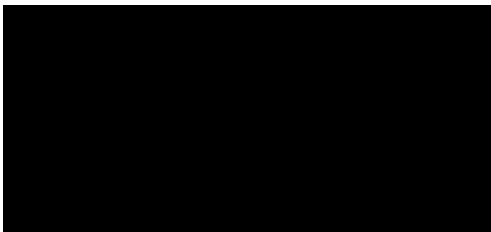
15. Section 16 of the Housing (Scotland) Act 2014 provides that the First Tier Tribunal has jurisdiction in relation to civil proceedings arising from assured tenancies. As this tenancy is an assured tenancy the tribunal is content that it has jurisdiction to deal with this case.
16. The tenancy agreement created obligations between the parties, which included paying rent. The respondent had failed to make full payment of the rent. There was submitted a rent statement showing the arrears due. The respondent was in breach of the tenancy condition regarding payment of rent. The rent was owing to the applicant.
17. On the basis of the papers submitted and having regard to the oral submission of the agent for the applicant, I consider that I should make an order for sum sued of £5,400.00.

Decision

18. The Tribunal grants an order in favour of the Applicant against the Respondent for payment of £5,400.

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.



Legal Member/Chair

Date: 12 September 2023