



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

Chamber Ref: FTS/HPC/CV/23/0868

Re: Property at Flat 23, 120 Lawrie Reilly Place, Edinburgh, EH7 5FG (“the Property”)

Parties:

Places For People Homes Limited, 1 Hay Avenue, Edinburgh, EH16 4RW (“the Applicants”)

Mr Emmanuel Mogbo, Flat 23, 120 Lawrie Reilly Place, Edinburgh, EH7 5FG (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member) and Sandra Brydon (Ordinary Member)

Decision

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the applicant shall make payment to the respondent the sum of six thousand eight hundred and fifty seven pounds and twelve pence (£6857.12) with interest at four percent per annum (4%) until payment.

2. This was an application to recover rent arrears arising out of a private residential tenancy agreement in terms of rule 111 of the First-tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017, ‘the rules’ and s71 of the Private Housing (Tenancies) (Scotland) Act 2016, ‘the Act’. The Applicants were represented by Mr Kenneth Caldwell solicitor. The Respondent attended. There was a second application before the tribunal for eviction on the ground 12 (rent arrears).

3. The tribunal had before it the following copy documents:

- Application dated 17 March 2023.
- Rent statement

- Land certificate
- PRT
- Email from Applicant's solicitor increasing sum sought.

4. Discussion

Mr Caldwell advised that the arrears have increased to £8157.12 but he was seeking an order for £6857.12 as set out in his email to the tribunal of 14 April 2023. Intimation was also sent to the Respondent by email on that date. Mr Mogbo was not opposed to the application. He did not recollect receiving the email of 14 April 2023 but he did not deny that the sums sought were due. The tribunal noted that there are two tenants noted in the PRT. Mr Caldwell advised that the joint tenant left the property in November 2022. The Applicants agreed to this and are not pursuing him for the rent arrears. The Respondent also agreed to the joint tenant leaving. The Applicants considered having a new PRT drawn up to reflect the new agreement but this was not done. The Applicants then served a notice to leave on the Respondent on 20 January 2023.

5. Findings in fact

- Applicants are the owners of the property.
- The Applicants entered into a PRT with the Respondent and a second tenant Mr Tim Aydin for let of the property from 18 March 2022.
- The agreed monthly rent was £1300.
- Rent arrears began to accrue in August 2022.
- In November 2022 the parties agreed that Mr Aydin would leave the tenancy and the Respondent would continue to occupy the tenancy on the same terms.
- The Respondent has paid no rent since August 2022.
- The arrears of rent on 14 April 2023 were £6857.12.
- The sum of £6857.12 remains outstanding.

6. Reasons

This was an undefended application to recover rent arrears. The Respondent accepted that the sums sought were due. He also accepted that the former joint tenant left the property by mutual agreement in November 2022. In any event the obligation to pay rent is a joint and several liability. The tribunal accordingly 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.

L. Ward

18 May 2023

Legal Member/Chair

Date