



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/23/1766

Re: Property at 11 (3F1) Roseburn Place, Edinburgh, EH12 5NP (“the Property”)

Parties:

Mrs Fiona Highet, Mr Stewart Highet, 3C Carswell Wynd, Cupar, KY14 7EB; C/O DJ Alexander Lettings Ltd, 1 Wemyss Place, Edinburgh, EH3 6JN (“the Applicant”)

Mr Jon Flowers, Miss Lulu Flowers, 11 (3F1) Roseburn Place, Edinburgh, EH12 5NP (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that that the order for payment is granted to the amount of £2292 (TWO THOUSAND TWO HUNDRED AND NINETY TWO POUNDS).

Background

1. This is an application in terms of Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). The Applicant is seeking an order for payment of the sum of £2292 in terms of s16 of the Housing (Scotland) Act 2014. A rent account for the period 19th August 2021 – 19th May 2023 showing arrears of £2292.
2. On 16th August 2023, all parties were written to with the date for the Case Management Discussion (“CMD”) of 18th September 2023 at 11.30am by teleconferencing. The letter also requested all written representations be submitted by 6th September 2023.

3. On 18th September 2023, sheriff officers served the letter with notice of the CMD date and documentation upon the Respondents by letterbox service. This was evidenced by Certificate of Intimation dated 18th September 2023.

Case Management Discussion

4. A CMD was held on 18th September 2023 at 11.30am by teleconferencing. The Applicant was not present but was represented by Mrs Leanne Young, Client Account Manager, D J Alexander Lettings Ltd. The Respondents were not present. The Tribunal proceeded in terms of Rule 29 of the Rules. Neither of the Respondents made representations in advance of the hearing.
5. Mrs Young said that the Respondents had left the Property on 18th June 2023. There has been no offer of payment and no contact by the Respondents. There are no outstanding state benefits issues. The Respondents paid the letting agent directly. There was one further month outstanding that was addressed by the deposit.
6. The Tribunal was satisfied that the Applicants were due the amount of £2292 by the Respondents

Findings in Fact

7. The parties entered into a Short Assured Tenancy on 19th April 2014 for a 6 month period until 19th June 2015 and on a month to month basis thereafter. The rent payments of £675 were due by the 19th day of each month.
8. The Respondents have persistently not made rent payments.
9. There are no outstanding Universal Credit Housing Element issues.
10. The arrears due to the Applicants amounts to £2292.

Reasons for Decision

11. The Respondents have failed to make payment of the rent lawfully due in terms of the lease between the parties. The Applicants have lodged a rent statement for the period 19th August 2021 – 19th May 2023 in which payments have been missed to amounting to £2292 in rent arrears. The Tribunal decided that the Respondents have persistently not paid the rent and were in arrears. As a consequence, the Applicant was entitled to be granted the Order for payment of £2292 against the Respondents.

Decision

12. The Applicant is entitled to an order of payment of £2292 by the Respondents. The Order was granted against the Respondents.

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.

G. Miller

18th September 2023

Legal Member/Chair

Date