



**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/22/2504

**Re: Property at 1 Wighton Road, Tudsbery Avenue, Edinburgh, EH16 4GQ
("the Property")**

Parties:

**Castle Rock Edinvar In Association With Places For People Scotland Limited, 1
Hay Avenue, Edinburgh, EH16 4RW ("the Applicant")**

**Mr Muhammad Arslan, Flat 2 9 Seacole Square, Niddrie Mains, Edinburgh,
EH16 4ZG ("the Respondent")**

Tribunal Members:

Yvonne McKenna (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 in the sum of £9841.21 (Nine
thousand Eight hundred and forty one pounds and twenty one pence) be made
in favour of the Applicant.**

Background

1 .This was a Case Management Discussion (CMD) in respect of an application
by the Applicant dated 25 July 2022 for an order for payment of arrears of rent
from the Respondent who was the Tenant in a Tenancy of the Property from
the Applicant.

2 .The following documents were lodged with the application:-

- A copy of a Tenancy Agreement providing a start date of 18 March 2020 between the Applicant as Landlord and the Respondent who was the Tenant.
- Statement of rent arrears showing a sum outstanding as at 6 July 2022 of £9333.19

3 .On 8 November 2022 the Applicant sought to increase the sum claimed to £9856.68 from the Tribunal. This was intimated to the Respondent by the Applicant by e-mail and included with the papers served on the Respondent by the Tribunal.

The Case Management Discussion

4. The Case Management Discussion (CMD) proceeded today by way of teleconference.

5. Service was validly effected on the Respondent by Service by Sheriff Officers who served the papers on the Respondent on 20 February 2023 by letterbox service.

6. The Respondent did not join the call and was not represented at the CMD.

7. The Respondent has not lodged any written submissions for the Tribunal to consider.

8. The legal member made introductions and explained the purpose and order of proceedings also advising that the Tribunal could make a decision after a CMD which it could after a hearing if satisfied it was appropriate to do so.

9. The Applicant was represented by Mr Kenneth Caldwell of Paten and Prentice LLP.

10. The legal member considered it appropriate to continue with the CMD given that intimation had been given to the Respondent and he had not responded in writing or requested any postponement of today's CMD.

11. Mr Caldwell invited the Tribunal to grant the application in the sum sought. He stated that since the sum sought was increased on 8 November 2022 that no payment had been received by the Respondent. Originally this application had been accompanied with an Eviction Application, however this was

withdrawn after the Respondent vacated the Property, in August 2022. The Respondent had stated that he would contact the Applicant with a payment proposal but has not done so.

12. The Property is managed by Touchstone who carry out regular rent reviews for the Applicant and appropriate rent increase notices were provided to the Respondent.

13. The legal member queried the sum claimed in the rent statement for August 2021 which appeared to show rent claimed of £822.06 as opposed to £806.59. Mr Caldwell stated that he could contact the Applicant for an explanation however he would be prepared to concede that £15.47 was overcharged and he would accept a payment order reduced by that amount.

Findings in Fact

14. The parties entered into a lease of the Property in the form of a Private Residential tenancy which commenced on 18 March 2020.

15. The Rent due in terms of the lease was £790 per calendar month payable in advance on the first of each month.

16. The Respondent vacated the Property in August 2022

17. The rent was increased on 1 April 2021 to £806.59 and on 1 June 2022 to £838.05.

18. The rent outstanding is £9841.21.

Reasons for Decision

19. The parties have entered into a lease where the Respondent has leased the Property from the Applicant and has agreed to pay £790 per month in rent which has been increased by rent increase notice on 2 occasions since the lease was entered into.

20. The Respondent has failed to pay the full rent due.

21. No payments of rent have been received since July 2021.

22. The Respondent was served notice of this application by sheriff officer on 20 February 2023 and has not made any written representations or attended this CMD.

23. The Applicant provided a revised rent statement confirming rent had increased to £9856.68 as at 8 November 2022 and this has been copied to the Respondent.

24. The Applicant conceded that there was a slight overpayment of rent in the rent statement provided in August 2021 and agreed the sum due was £9841.21

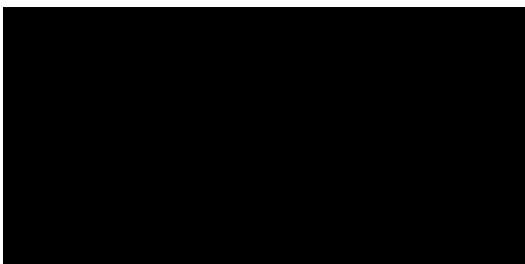
25. The Tribunal accepts the written evidence and verbal statements made by the Applicant's Representative who the Tribunal found clear and credible in his evidence.

26. In the absence of any representations from the Respondent the Tribunal finds it fair and appropriate to make an order for payment for that sum today.

27. There being no application for time to pay the Tribunal makes an order for payment of the sum claimed.

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

15 March 2023

Date

