



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/23/1379

Property : Flat 7, 2 Dryburgh Crescent, Peffermill, Edinburgh EH16 4FB (“Property”)

Parties:

Graham Alexander Gibb and Dorothy Anne Kellas, 33 Westgate, North Berwick, East Lothian EH39 4AG (“Applicant”)

Gilson Gray LLP, 29 Rutland Square, Edinburgh EH1 2BW (“Applicant’s Representative”)

Tyla Laidlaw, Flat 7, 2 Dryburgh Crescent, Peffermill, Edinburgh EH16 4FB (“Respondent”)

Tribunal Members: Joan Devine (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that that an order for payment of £1305.25 should be granted.

Background

The Applicant sought an order for payment of £956.57. The Applicant had lodged Form F. The documents produced were: a Private Residential Tenancy Agreement dated 30 April 2021 and a statement of rent arrears as at 1 April 2023. The Tribunal had sight of a sheriff officer’s execution of service certifying service of the Application on the Respondent on 22 June 2023. On 19 July 2023 the Applicant lodged an updated rent statement and sought to amend the sum claimed to £999.25 plus costs incurred of £306. A copy invoice from the Applicant’s representative for that amount was produced.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 4 August 2023 by teleconference. David Gray of the Applicant’s Representative was in attendance there was no appearance

by the Respondent. Mr Gray told the Tribunal that the Respondent incurred rent arrears for the period November 2021 to July 2023. He said that the rent had been paid erratically. He said that the tenancy had terminated the previous month. The Tribunal noted that in terms of clause 8 of the tenancy agreement the Applicant is entitled to recover from the Respondent reasonable costs incurred in pursuing rent arrears.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a Tenancy Agreement dated 30 April 2021 ("Tenancy Agreement").
2. In terms of the Tenancy Agreement the rent was £650 per month.
3. The Respondent has failed to pay the rent in full for the period 1 November 2021 to 1 July 2023 totalling £999.25
4. The Applicant incurred costs totalling £306 in pursuing payment of rent arrears.

Reasons for the Decision

The Tribunal determined to make an Order for payment. In terms of the tenancy agreement rent was due at the rate of £650 per month. The Respondent had failed to pay the rent for the period 1 November 2021 to 1 July 2023.

In terms of section 8 of the Tenancy Agreement the Applicant is entitled to recover from the Respondent reasonable costs incurred in pursuing rent arrears. The sum claimed of £306 (being £255 plus vat) was reasonable.

Decision

The Tribunal grants an order for payment of £1305.25.

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

Date : 4 August 2023