



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/20/0361

Re: Property at 42/9 Giles Street, Edinburgh, EH6 6BY (“the Property”)

Parties:

Mrs Hon Ieng Ho, 7 South Chesters Drive, Bonnyrigg, EH19 3WJ (“the Applicant”)

Mr Mickey Simpson, 42/9 Giles Street, Edinburgh, EH6 6BY (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

- Background

This is an application for an order for payment of rent arrears alleged to be owed by the Respondent to the Applicant in terms of a private residential tenancy. It called for a case management discussion by teleconference at 10am on 22 July 2020. The Applicant was represented by Ms Morrison of TC Young Solicitors. The Respondent did not phone in and was not represented. A further 10 minutes was allowed for him to join the call, in case of any technical issue. At 10:10am, there being no contact from the Respondent, and the Tribunal being satisfied that the details of the conference had been successfully served on him, the case management discussion proceeded in his absence.

- Preliminary Issue

The Applicant had made an application to amend the sum sought to £5,250.95. This application was served on the Respondent by e-mail on 3 March 2020. The Respondent had not objected to the application. At the case management

discussion, the Applicant's representative indicated that the amended figure was incorrect and that she in fact sought the sum of £4,625.95. There being no prejudice to the Respondent in allowing substitution of this lower sum, the Tribunal allowed the application to be amended, to that effect.

- Findings in Fact

1. The Applicant leased the Property to the Respondent in terms of a private residential tenancy agreement, with a start date of 15 February 2019.
2. Also in terms of that agreement, the Respondent was required to pay the Applicant £625 rent on 15 February 2019 and on the 15th day of each month of the tenancy thereafter.
3. The tenancy was terminated on 27 February 2020 in terms of s.50 of the Private Housing (Tenancies) (Scotland) Act 2016.
4. The total rent due over the course of the tenancy was £7,767.12. The Respondent paid a total of £3,141.17 in rent to the Applicant over the same period. He has not made any payment since that date.
5. The total arrears outstanding are therefore £4,625.95, which is the sum sought in this application (as amended).

- Reasons for Decision

6. The amount sought being owed by the Respondent to the Applicant, an order for payment of that amount should be made.

- Decision

Order for payment by the Respondent to the Applicant made in the sum of £4,625.95 (FOUR THOUSAND, SIX HUNDRED AND TWENTY-FIVE POUNDS AND NINETY-FIVE PENCE STERLING).

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.

N. Y

Legal Member/Chair

Date