



**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/20/1220**

**Re: Property at 3 Albion Place, Edinburgh, EH7 5QR (“the Property”)**

**Parties:**

**Bipinkumar Jayantilal Shah, Reena Nagda Shah, Sureshchandra Shah, c/o D J Alexander Lettings Ltd, 1 Wemyss Place, Edinburgh, EH3 6DH (“the Applicant”)**

**Ms Tamsin Wright, 30 Cuikenburn, Penicuik, EH26 0JG (“the Respondent”)**

**Tribunal Members:**

**Andrew Upton (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a payment order in the sum of THREE THOUSAND THREE HUNDRED AND FORTY POUNDS (£3,340.00) STERLING should be granted.**

**FINDINGS IN FACT**

1. The Applicants were the landlords, and the Respondent the tenant, of the Property under and in terms of a Private Residential Tenancy Agreement.
2. The monthly rent was initially £730.
3. The monthly rent was reduced to £600 from 7 April 2020.
4. During the period 7 January 2020 until 6 June 2020, the Respondent was due to make payment of rent in the total sum of £3,390.
5. During the period 7 January 2020 until 6 June 2020, the Respondent made payments to the Applicants totalling £50.
6. At 6 June 2020, the Respondent was in rent arrears of £3,340.
7. The Respondent has not made any payments towards her arrears.

## **FINDINGS IN FACT AND LAW**

1. The Respondent is under contractual obligation to make payment to the Applicants in the sum of £3,340.00.

## **STATEMENT OF REASONS**

1. This Application called for its Case Management Discussion by teleconference call on 1 December 2020. The Applicants were represented by Miss Greenie. The Respondent was neither present nor represented.
2. In this Application, the Applicants seek a payment order against the Respondents for payment of alleged rent arrears. They have produced a rent account schedule detailing how the arrears are said to have arisen.
3. In terms of Rule 17 of the First-tier Tribunal Rules of Procedure, the Tribunal is empowered to do anything at a Case Management Discussion that it may do at a Hearing, including make a Decision. In terms of Rule 2, the Tribunal is required to have regard to the overriding objective to deal with proceedings justly when making a decision, including by avoiding unnecessary delay.
4. In the Application and supporting papers, the Applicants assert the following matters:
  - a. The Applicants were the landlords, and the Respondent the tenant, of the Property under and in terms of a Private Residential Tenancy Agreement.
  - b. The monthly rent was initially £730.
  - c. The monthly rent was reduced to £600 from 7 April 2020.
  - d. During the period 7 January 2020 until 6 June 2020, the Respondent was due to make payment of rent in the total sum of £3,390.
  - e. During the period 7 January 2020 until 6 June 2020, the Respondent made payments to the Applicants totalling £50.
  - f. At 6 June 2020, the Respondent was in rent arrears of £3,340.
  - g. The Respondent has not made any payments towards her arrears.
5. The Respondent has been afforded an opportunity to dispute the matters set out in the Application and supporting documentation, but has not done so. I therefore consider that those matters are not in dispute. That being so, and having regard to the overriding objective, I am satisfied that the Respondent is under contractual obligation to make payment to the Applicants in the sum of £3,340 and has failed to do so. I will grant the payment order.

## **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.**

# Andrew Upton

1 December 2020

---

**Legal Member/Chair**

---

**Date**