



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/20/2359

Re: Property at Flat 5, 1 Dalgety Road, Edinburgh, EH7 5UH (“the Property”)

Parties:

Crescent Property Assets Limited - 09910695, 7-8 Swanbridge Industrial Park, Black Croft Road, Whitham, Essex, CM8 3YN (“the Applicant”)

Mr Alastair Moir, Mr Aaron Smith, UNKNOWN, UNKNOWN, UNKNOWN (“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 the Applicant is entitled to an order for payment for £5779.03 (FIVE THOUSAND SEVEN HUNDRED AND SEVENTY NINE POUNDS AND THREE PENCE)

Background

1. An application was received by the Housing and Property Chamber. It was dated 10th November 2020. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments.
2. On 3rd February 2021 service by advertisement was conducted upon both respondents.

The Case Management Discussion

3. A CMD was held on 10th March 2020 at 2pm by teleconferencing. The Applicant was represented by Ms Rachel Thomson, solicitor, Friends Legal. The Applicant was not present. The Respondents were not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondents did not make representations in advance of the hearing.
4. The Tribunal noted that the tenancy agreement included in the application was an Assured Shorthold Tenancy. It was raised by the Tribunal that this was in fact a Private Rented Tenancy as it started after 1st December 2017. Ms Thomson agreed and it was noted that the application and tenancy agreement was from before her firm's involvement with the case.
5. Ms Thomson told the Tribunal that the arrears are £5779.03. Both Respondents have left the Property. The date they left is unknown. An inspection of the Property was undertaken on 18th July 2020. Both Respondents had left the Property by that date.
6. The arrears accrued for the period April – July 2020. Ms Thomson stated that there has been no contact from the Respondents during the time that her firm has been involved namely since 25th August 2020. She is not aware of any outstanding Housing Benefit or Housing Element of Universal Credit.
7. The total amount for the rent for the months April – July 2020 is £6400. The amount sought is £5779.03. The papers state that the deposit was not returned due to damage caused in the Property. Ms Thomson confirmed that some of the deposit was able to be paid to the outstanding arrears which left the balance of £5779.03.

Findings and reason for decision

8. A Private Rented Tenancy Agreement commenced 7th January 2020.
9. The Respondents persistently failed to pay the rent charge of £1600 per month from April 2020. The rent payments are due to be paid on the 7th day of each month.
10. There are now no outstanding Housing Benefit issues.
11. The arrears sought totalled £5779.03.

Decision

12. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £5779.03

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.

Gabrielle Miller

10th March 2021

Legal Member/Chair

Date

Gabrielle Miller