



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/21/0293

Re: Property at 92/8 Orachard Brae Avenue, Edinburgh, EH4 2GB (“the Property”)

Parties:

Mr Graham Dunlop, Ms Barbara Dunlop, C/o DJ Alexander Lettings Ltd, 1 Wemyss Place, Edinburgh, EH3 6DH (“the Applicant”)

Ms Fin Wycherley, 92/8 Orachard Brae Avenue, Edinburgh, EH4 2GB (“the Respondent”)

Tribunal Member:

Martin McAllister (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant pay the sum of FOUR THOUSAND TWO HUNDRED AND TWENTY FIVE POUNDS (£4,225) to the Respondent.

- 1. This is an application for an order of payment raised by the Applicant in respect of rent arrears. The Applicant and Respondent are parties to a Short Assured Tenancy Agreement in respect of the Property. The tenancy commenced on 27th February 2017 and the monthly rental is £1175. The Respondent continues to occupy the Property.**
- 2. A case management discussion was held on 6th April 2021. It was conducted by conference call because of the current coronavirus restrictions.**
- 3. There was no appearance by the Respondent and the Applicant was represented by Ms Dayna Greeney of D.J. Alexander Lettings Ltd, the letting agent.**

4. The Tribunal was satisfied that intimation of the case management discussion had been made on the parties and it had the appropriate Sheriff Officer's certificate of execution of service in respect of service on the Respondent on 3rd March 2021.

Preliminary Matters

5. Ms Greeney said that there had been recent fruitful discussions with the Respondent with regard to dealing with the arrears of rent and she said that an agreement had been reached for supplementary monthly payments to be made. She said that previous arrangements had been made which had not been complied with and that, consequently, her clients wanted the security of an order for payment.
6. Ms Greeney said that the application contained a request that interest be applied to the sum being sought. She said that, considering that an arrangement had been entered into with regard to the arrears, her clients were no longer insisting on this.

Findings in Fact

7.
 - (i) The parties entered into a short assured tenancy agreement in respect of the Property which was dated 27th February 2021.
 - (ii) The monthly rental stated in the tenancy agreement is £1150 per month and, by intimation dated 5th December 2019, the rent was increased to £1175.
 - (iii) The rental payments are in arrears to the extent of £4,225.

Reasons for Decision

8. In terms of Regulation 17 (4) of the 2017 Regulations, the Tribunal can do anything at a case management discussion which it could do at a Hearing.
9. The Tribunal accepted the documentary evidence which had been lodged in respect of the existence of a short assured tenancy agreement: the lease and the intimation with regard to the increase of rent.
10. The Tribunal accepted the terms of the rent statement and also the evidence of Ms Greeney with regard to the level of rent arrears being £4,225.

11. The Tribunal determined that there was no requirement for a Hearing and that it was appropriate for it to make an order for payment for the sum of £4225.

Decision

12. The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant pay the sum of FOUR THOUSAND TWO HUNDRED AND TWENTY FIVE POUNDS (£4,225) to the Respondent.

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.

Martin McAllister

**Martin J. McAllister
Legal Member
6th April 2021**