



**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/21/0568**

**Re: Property at 1 Wemyss Place, Edinburgh, EH3 6DH (“the Property”)**

**Parties:**

**Mr Michael Seddon, Ms Christina Macleod, c/o DJ Alexander Lettings Ltd, 1 Wemyss Place, Edinburgh, EH3 6DH; C/O DJ Alexander Lettings Limited, 1 Wemyss Place, Edinburgh, EH3 6DH (“the Applicants”)**

**Mr John Lindsay, Flat 15 22 Simpson Loan, Edinburgh, EH3 9GD (“the Respondent”)**

**Tribunal Members:**

**Steven Quither (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent is to pay to the Applicants the sum of ELEVEN THOUSAND ONE HUNDRED AND FORTY POUNDS 93 PENCE (£11,140-93) STERLING.**

**1. BACKGROUND**

This is an application for payment of rent arrears and associated costs arising out of a Private Residential Tenancy Agreement between the parties commencing 23 September 2019, in respect of which the Applicants state no rent was paid for its last 4 months from 23 August to 22 December 2020 and in addition, they have required to attend to remedial maintenance and replace or deal with the loss of items removed by the Respondent. Following upon sundry procedure, a Case Management Discussion (“CMD”) was fixed for 14 May 2021, intimation of which was duly provided to both parties, the Respondent by Sheriff Officer service on 15 April 2021. A separate previous application for rent arrears (Tribunal reference FTS/HP/CV/20/1148) was

dealt with by the Tribunal on 14 August 2020, when an order for payment was made against the Respondent for £15,050 by way of rent arrears.

## **2. CASE MANAGEMENT DISCUSSION on 14 MAY 2021**

A Case Management Discussion ("CMD") was held by way of a telephone conference call on the afternoon of 14 May 2021, attended by both Applicants and their representatives, Dayna Greeney and Donald Gray of DJ Alexander Lettings Ltd, Edinburgh ("DJ"). The Respondent chose not to participate and was not represented. Accordingly it was not possible to identify any facts capable of being agreed between the parties.

That being so and being satisfied intimation of today's proceedings had been lawfully made on the Respondent, I considered issues to be resolved at this CMD to be whether I could make an order for payment against the Respondent in the amount of £11,140-93 now claimed, helpfully itemised in a DJ Invoice with supporting documentation/vouching lodged with the application. The Applicants confirmed the Deposit had been applied by them towards all sums due, as contemplated in the footnote to said Invoice. In short, I was satisfied from information provided to me by Ms Macleod and DJ that the sums itemised in said Invoice were properly due by the Respondent by way of rent and necessary remedial maintenance, replacement of contents etc. arising after the tenancy came to an end, whether already incurred or still to be carried out. In particular, Ms Macleod impressed me greatly in her account and explanation of such items, the DJ representatives were equally helpful. All were credible and reliable and I had no difficulty accepting the information they provided. Obviously, in the absence of the Respondent, there was no contrary argument to be considered.

## **3. FINDINGS IN FACT**

Rent arrears and associated costs arising out of a Private Residential Tenancy Agreement between the parties commencing 23 September 2019 is properly due and payable in respect of rent due for its last 4 months from 23 August to 22 December 2020 in the total amount of ELEVEN THOUSAND, ONE HUNDRED AND FORTY POUNDS 93 PENCE and sundry other maintenance and replacement costs and the Respondent is liable for same.

## **4. REASONS FOR DECISION**

I was satisfied with the information provided by the Applicants and DJ regarding the rent arrears and other sums due and, in the absence of any appearance, information or argument by the Respondent to the contrary, considered it just to make the award in the sum sought of £11,140-93.

## **5. DECISION**

**To make an order for payment by the Respondent to the Applicants of ELEVEN THOUSAND, ONE HUNDRED AND FORTY POUNDS 93 PENCE (£11,140-93) 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.**

**S.R. QUITHER**  
**Legal Member**

**14 MAY 2021**  
**Date**