



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/21/0852

Re: Property at Flat 35/4, Elfin Square, Gorgie Road, Edinburgh, EH11 3AN (“the Property”)

Parties:

LAR Housing Trust, F3 Buchan House, Enterprise Way, Fife, Dunfermline, KY11 8PL (“the Applicant”)

Ms Michelle Dawson, Flat 35/4, Elfin Square, Gorgie Road, Edinburgh, EH11 3AN (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member) and Angus Lamont (Ordinary Member)

Decision (in absence of the Respondent)

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

This is an application for an order for payment of arrears alleged to be owed by the Respondent to the Applicant in terms of a private residential tenancy agreement regarding the Property. It called for a case management discussion (‘CMD’) at 10am on 2 June 2021, by teleconference. The Applicant was represented on the call by Ms Donnelly of TC Young, solicitors. The Respondent did not call in to the conference and was not represented. The commencement of the CMD was delayed by 10 mins to allow for any technical difficulty the Respondent may have been having, but there remained no contact from her.

The application was served by sheriff officers on the Respondent on 4 May 2021. There has been no written response or any other contact with the Tribunal from the Respondent. The Tribunal was satisfied that she was aware of today’s CMD and decided to proceed in her absence.

- Findings in Fact

1. The Respondent lets the Property from the Applicant in terms of a private residential tenancy, with a start date of 27 May 2020.
2. In terms of that tenancy, rent of £720 per calendar month is payable on the first day of each month.
3. The Respondent has made only one payment of rent since the start of the tenancy, on 27 May 2020.
4. A credit to the rent account of £294 was made by the Applicant on 16 July 2020 as reimbursement for a bill from a pest control company paid by the Respondent.
5. As at 19 May 2021, the Respondent owed the Applicant £7,626 in rent arrears.

- Reasons for Decision

6. When this application was first raised, the Applicant sought payment of the sum of £6,906. It made an application to increase that sum to £7,626 on 19 May 2021. That was served on the Respondent on 20 May 2021. No objection was lodged by the Respondent to it. At the outset of the CMD, the Tribunal granted the application to amend.
7. The sum sought in the application as amended is owed by the Respondent to the Applicant and an order for payment of that amount should therefore be made.

- Decision

Order made for payment by the Respondent to the Applicant of the sum of £7,626 (SEVEN THOUSAND, SIX HUNDRED AND TWENTY-SIX POUNDS STERLING).

Eviction order granted

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 Young

Nairn Young
Legal Member/Chair

2 June 2021
Date