



**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/21/0959**

**Re: Property at 32/15 Pefferbank, Edinburgh, EH16 4FG (“the Property”)**

**Parties:**

**Mr Allan Dunnings, The Old Schoolhouse, Rhugarbh, Barcaldine, Oban, PA37 1SE (“the Applicant”)**

**Mr Rawkar Ibrahim Salihi, 32/15 Pefferbank, Edinburgh, EH16 4FG (“the Respondent”)**

**Tribunal Members:**

**Nairn Young (Legal Member)**

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

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

- Background

This is an application for an order for payment of rent arrears and associated costs alleged to be owed by the Respondent to the Applicant in terms of his private residential tenancy at the Property. It called for a case management discussion (‘CMD’) at 10am on 29 July 2021 by teleconference. The Applicant was represented on the call by Ms Greeney of DJ Alexander Lettings Ltd.. The Respondent did not call in to the conference and was not represented. The commencement of the CMD was delayed by 10 minutes to allow for any technical issues, but there remained no contact from the Respondent.

Intimation of the CMD, including full details of the Applicant’s case, was given to the Respondent by sheriff officers on 28 May 2021. No written representations had been received from the Respondent. The Tribunal was satisfied that the Respondent was aware of the CMD, but had chosen not to attend. It therefore considered that it was fair for the CMD to continue in the Respondent’s 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 2 August 2019.
2. In terms of the tenancy agreement, rent of £865 is due on the second day of each month.
3. The tenancy agreement also contains a clause which states that a charge for late payment of rent of £300 (including VAT) is due if debt recovery action on the part of the Applicant is necessary.
4. Since 2 October 2020, the Respondent has paid only £135 towards rent, on 3 December 2020.

- Reasons for Decision

5. This application was raised on 21 April 2021, seeking payment of the sum of £6,220, being £5,920 in unpaid rent and a £300 charge for the expense incurred in taking debt recovery action. On the findings in fact above, the sum sought in relation to unpaid rent is due and an order for payment of that amount should be made.
6. In relation to the additional charge, the Tribunal asked if there was any breakdown of this sum, or any other indication as to what extent it was a fair representation of loss caused to the Applicant by the Respondent's failure to pay. The Applicant's representative indicated that she did not have information of that type to hand and was content in the circumstances not to insist on this aspect of the application.

- Decision

**Order made for payment by the Respondent to the Applicant of the sum of £5,920 (FIVE THOUSAND, NINE HUNDRED AND TWENTY POUNDS 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.

N Young

20/07/2021

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Legal Member/Chair

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Date