

**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)
Chamber Ref: FTS/HPC/CV/21/1034**

Re: Property at 151/1 Bonnington Road, Edinburgh, EH6 5NJ (“the Property”)

Parties:

**Mrs Agnieszka Becher nee Eljasz, 26 Wemyss Road, Longniddry, EH32 0LL
 (“the Applicant”)**

**Mr Gary Blair, UNKNOWN, UNKNOWN, UNKNOWN, UNKNOWN (“the
Respondent”)**

Tribunal Members:

Virgil Crawford (Legal Member)

Decision (in absence of the Respondent)

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

BACKGROUND

1. By lease dated 12 January 2021 the Applicant let the Property to the Respondent;
2. The rent was £650.00 per calendar month payable monthly in advance, the first payment being due on 13 February 2021;
3. The Respondent paid rent on 13 February 2021 but failed to make payment thereafter;
4. The Applicant presented an application to the Tribunal on 28 April 2021 seeking an order for payment of rent arrears which, at that stage, amounted to £1,300.00;

THE CASE MANAGEMENT DISCUSSION

5. The Case Management Discussion was held on 23 July 2021 by teleconference. The Applicant participated personally. The Respondent did not participate. The Tribunal had previously attempted to intimate the proceedings upon the Applicant by Sheriff Officer but without success. The Tribunal thereafter advertised the proceedings on the Tribunal website and a certificate certifying that it had been so intimated was available. In the circumstances the Tribunal, being satisfied in terms of Rule 24 of The First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (the “FTT Rules”) that the Respondent had received reasonable notice of the same determined that it was appropriate to proceed in accordance with Rule 29 of the FTT Rules;
6. The Applicant advised that there had been no further rental payments. She also advised that towards the end of May 2021 it appeared that the Respondent had vacated the Property.

- She had, as a result, served a notice to leave on the basis the Respondent had abandoned the Property. The property could not be re-let at least until that notice had expired;
7. The Applicant moved the Tribunal, to amend the amount claimed in terms of Rule 14A of the FTT Rules by increasing it from £1,300.00 to £1,950.00, that being to take account of the rent payment due on 13 May 2021 in addition to the original missed payments of 13 March and April 2021. The Tribunal allowed the amendment;

FINDINGS IN FACT

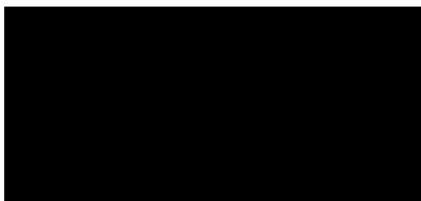
8. The Tribunal found the following facts to be established:-
- a) By lease dated 12 January 2021 the Applicant let the Property to the Respondent;
 - b) The rent was £650.00 per calendar month payable monthly in advance, the first payment being due on 13 February 2021;
 - c) The Respondent paid rent on 13 February 2021 but failed to make payment thereafter;
 - d) As at the date of the Case Management Discussion (23 July 2021) the amount of rent due to be paid by the Respondent was not less than £1,950.00;
 - e) An amount of not less than £1,950.00 is due, resting and owing by the Respondent to the Applicant;

DECISION

The Tribunal granted an order against the Respondent for payment of the sum of ONE THOUSAND NINE HUNDRED AND FIFTY POUNDS (£1,950.00) STERLING to the Applicant:

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.



23/07/2021

Legal Member/Chair

Date