



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 (“the 2016 Act”)

Chamber Ref: FTS/HPC/CV/21/1306

Re: Property at 116/4 Wester Drylaw Drive, Edinburgh, EH4 2SZ (“the Property”)

Parties:

Mr Richard Snell, 15 Colville Place, London, W1T 2BN (“the Applicant”)

Mr Mark Hyland, 49 Minto Street, Edinburgh, EH9 1RQ (“the Respondent”)

Tribunal Members:

Yvonne McKenna (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 liable to pay the Applicant in the sum of £2081.91 (TWO THOUSAND, EIGHTY-ONE POUNDS STERLING AND NINETY-ONE PENCE).

Background

1. This is an application for a payment order, contained within papers lodged with the Tribunal in terms of Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Rules”).
2. In the application, the Applicant seeks payment of arrears in rental payment of £2081.91, in relation to the Property, from the Respondent.
3. Along with the application the Applicant provided a copy of the parties’ Private Residential Tenancy Agreement (“PRT”) along with a copy rent statement showing rent payments and non-payments from 9 November 2018 to 1 December 2019.

4. A Case Management Discussion (“CMD”) took place on 27 August 2021 by teleconference. The Applicant and the Respondent both attended at this CMD. The Respondent requested further time to consider his position and to obtain legal advice. He said that he did not dispute that the rent was due. He maintained that he took issue with the fact that it was him that was due to pay the amount sought. He apologised to the Applicant that matters had got to this point. The request to postpone the CMD was not opposed by the Applicant.
5. A further CMD was scheduled to take place on 23 September 2021 at 10am by teleconference.
6. Both parties were forwarded the Notes of the CMD and intimation of the date of the next CMD on 3 September 2021.

The Case Management Discussion 23 September 2021

7. The CMD took place at the appointed time by teleconference. The Applicant was in attendance and was accompanied by Mr Andrew Templeton the joint landlord for the Property. The Respondent did not attend.
8. The Tribunal was satisfied that the Respondent had received proper notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29 of the 2017 Rules.
9. The Applicant confirmed that he had entered into a PRT with the Respondent. The tenancy commenced on 9 November 2018. The monthly payment due in terms of the Agreement was £675 per calendar month.
10. The Applicant confirmed that the rent account provided to the Tribunal was correct. He had received no further sums from the Respondent since December 2019. He said that the rent account reflected correctly a reduced rental of £625 from June 2019. He said that the rent payments were reduced as the Respondent had experienced difficulty in paying the rent due to issues with Universal Credit payments.
11. He also stated that he had no further contact with the Respondent since the last CMD.

Findings in Fact

12. Parties entered into a Private Residential Tenancy Agreement commencing on 9 November 2018.
13. The monthly payment due in terms of the tenancy agreement was £675 per month.
14. With effect from June 2019 parties agreed that the monthly rental payments would be £625 per calendar month.

15. As at 1 December 2019 and as at 23 September 2021, the unpaid rent amounted to £2081.91.

Reasons for Decision

16. The Tribunal considered the application, the various documents lodged with the Tribunal and the oral representations made at the CMD by the Applicant which it had no reason to disbelieve.

17. The Tribunal was satisfied that the rent account lodged by the Applicant was accurate and that the amount sought was due.

18. The Respondent did not lodge any opposition to the application and did not attend the CMD to oppose the application.

Decision

19. The Tribunal determined to grant an order for payment in the sum of £2081.91

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.

Yvonne McKenna

23 September 2021

Legal Member/Chair

Date