



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/21/1440

Re: Property at 50/2 Royal Mile Mansions, Edinburgh, EH1 1QN (“the Property”)

Parties:

Mr Jostein Kvale, c/o DJ Alexander Lettings Ltd, 1 Wemyss Place, Edinburgh, EH3 6DH (“the Applicant”)

Mr Geoffrey Traill, 50/2 Royal Mile Mansions, Edinburgh, EH1 1QN (“the Respondent”)

**Tribunal Members:
Gabrielle Miller (Legal Member)**

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an order for payment amounting to £8800 (EIGHT THOUSAND EIGHT HUNDRED POUNDS ONLY)

Background

1. An application was received by the Housing and Property Chamber dated 14th June 2021. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments.
2. The Tribunal had before it:-
 - a. Copy Scottish Government Model Private Residential Tenancy Agreement with commencement of tenancy being 21st November 2019;
 - b. Rent statement from 21st October 2020 – 21st May 2021. This detailed the rent of £1100 per month and arrears of £8800;
 - c. Title deeds MID65220; and
 - d. Notice of Acceptance of Application dated 28th June 2021.

3. On 2nd July 2021, all parties were written to with the date for the Case Management Discussion (“CMD”) of 10th August 2021 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 23rd July 2021.
4. On 3rd July 2021, sheriff officers served the letter with notice of the hearing date and documentation upon both of the Respondent. This was evidenced by Certificate of Citation dated 3rd July 2021.

The Case Management Discussion

5. A CMD was held on 10th August 2021 at 2pm by teleconferencing. The Applicant was represented by Ms Dayna Greeney from DJ Alexander. The Applicant was not present. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make representations in advance of the hearing.
6. Ms Greeney told the Tribunal that the last contact from the Respondent was 2-3 months ago. She had contacted him regarding payment. He had stated that he would pay the rent and make a payment plan. Payment was not forthcoming. Ms Greeney does not believe that there are any outstanding Housing Benefit/Universal Credit Housing Element issues as she does not believe that he was in receipt of that benefit. She does not know of any issues of reasonableness. Ms Greeney advised that the current level of arrears are £11000. Ms Greeney was not seeking to increase the amount sought at this CMD. A Notice to Leave has been served. The 6 month notice period ends on 5th September 2021.

Findings and reason for decision

7. A Private Rented Tenancy Agreement commenced 21st November 2019.
8. The Respondent persistently failed to pay his rent charge of £1100 per month. The rent payments are due to be paid on the 21st day of each month.
9. There are no outstanding Housing Benefit issues.
10. The arrears sought totalled £8800. Amounting to rent arrears from October 2020 to May 2021. The current level of arrears is £11000 which has increased from the original amount sought.

Decision

11. The Tribunal found that the Applicant was entitled to be granted an order for payment from the Respondent amounting to £8800.

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.

G. B

10th August 2021

Legal Member/Chair

Date