



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 (Act)

Chamber Ref: FTS/HPC/CV/22/2061

Re: Property at Inveresk Lodge, 24 Inveresk Village, Musselburgh, EH21 7TE (“the Property”)

Parties:

National Trust for Scotland (SC007410), 5 Cultins Road, Edinburgh, EH11 4DF (“the Applicant”)

Mr Adam Symes, Mrs Camelia Symes, Ugstonrigg Cottage, Haddington, EH41 3SU (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment be granted in the sum of £26,250.

Background

This is an application under Rule 111 of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (Rules)* and section 71(1) of the Act in respect of a claim for payment of alleged rent arrears.

The Tribunal had regard to the following documents:

1. Application received 27 June 2022;
2. Private Residential Tenancy Agreement (**PRTA**) dated 1 April 2019;
3. Rent Arrears Statement.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 20 October 2022. The Applicant did not participate but was represented by its solicitor, Ms Anderson. The Respondents participated and represented themselves.

The Respondents accepted the sum of £26,250 was due. They had sought a postponement to obtain legal advice but did not indicate any potential defence. They intended to make an application for time to pay.

The Applicant's solicitor sought the order for payment to be granted and indicated that he considered an application for time to pay would be incompetent given the amount involved.

The Tribunal explained to the Respondents that as no defence had been put forward it was satisfied that the sums were due and the order should be granted. The Respondents should obtain advice if they wished to apply for a time to pay order.

The Tribunal then considered the documentary evidence it had received and the submissions made. In so far as material the Tribunal made the following findings in fact:

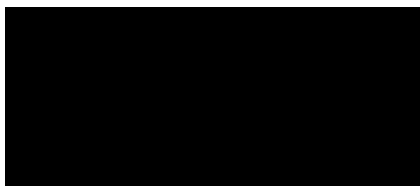
1. The Parties let the subjects under a PRTA dated 1 April 2019;
2. The monthly rent was £2,750; and
3. As at the end of the tenancy the Respondents were in arrears of rent in the sum of £26,250.

Decision and Reasons

The Tribunal was satisfied that in the circumstances the Applicant was due the outstanding rent from the Respondents and granted the order sought.

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.



Legal Member/Chair

Date: 20 October 2022