



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber)**

**Chamber Ref: FTS/HPC/CV/20/2242**

**Re: Property at 48 Easthouses Way, Easthouses, Dalkeith, EH22 4UA (“the Property”)**

**Parties:**

**Antonio Crolla, 106 High Street, Dalkeith, EH22 1AU (“the Applicant”)**

**Mr Sari Albertinelli, formerly residing at 48 Easthouses Way, Easthouses, Dalkeith, EH22 4UA (“the Respondent”)**

**Tribunal Members:**

**Paul Doyle (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be made.**

**Background**

The Applicant sought an order for payment of rental arrears totalling £5,215.00. The Applicant had lodged with the Tribunal Form F. The documents produced were a Tenancy Agreement dated 02 May 2018; an AT6 dated 25 February 2019 and a calculation of arrears of rental. A copy title sheet was lodged with the Tribunal which showed that the applicant is the heritable proprietor of the Property.

**Case Management Discussion**

A Case Management Discussion took place before the Tribunal by telephone conference at 10.00am on 8 February 2021. Ms A Barr represented the applicant. The hearing was delayed until 10.10am, but there was no appearance by or for the respondent.

## **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Private Residential Tenancy Agreement for the Property dated 25 February 2019.
2. The initial rent in terms of the Tenancy Agreement was £745 per month.
3. The Respondent stopped paying the rent on 25 March 2020. He remained in the property until September 2020, when he vacated the property without giving notice. The applicant recovered possession of the property in October 2020. By that time rent arrears of £5,215.00 has accumulated.
4. On taking entry to the property the respondent paid a tenancy deposit of £745.00. The applicant has applied that tenancy deposit to the outstanding rent arrears, reducing the sum due by the respondent to the applicant to £4,165.82
5. Notice of the date of this hearing was served on the Respondent by advertisement on the First-tier Tribunal for Scotland Housing and Property Chamber website from 16/12/2020.

## **Reasons for the Decision**

The Tribunal determined to make an Order for payment of £4,165.82. Rent was lawfully due in terms of clause 8 of the Tenancy Agreement at the rate of £745.00 per month. Between March and October 2020, the respondent failed to pay any rental, despite occupying the property. Rent arrears totalling £4,165.82 remain due by the respondent to the applicant.

## **Decision**

For the foregoing reasons, the Tribunal determined to make an Order for payment.

## **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.**

**Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by**

**upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.**

# Paul Doyle

**Legal Member**

**Date**

**8 February 2021**