



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/21/3046

Re: Property at 16/2 Dinmont Drive, Edinburgh, EH16 5RF (“the Property”)

Parties:

Mr Mark Keenan, 38/3 Watson Crescent, Edinburgh, EH11 1EU (“the Applicant”)

Mr Thomas Young, 16/2 Dinmont Drive, Edinburgh, EH16 5RF (“the Respondent”)

Tribunal Members:

Steven Quither (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 to pay to the Applicant the sum of ONE THOUSAND SIX HUNDRED AND THIRTY EIGHT POUNDS 39 PENCE (£1638-39) STERLING.

1. BACKGROUND

This is an application for payment of rent arrears of £1300 arising out of a Private Residential Tenancy Agreement between the parties in respect of the Property commencing 1 June 2021 in which the Respondent agreed to pay rent of £650 per calendar month.

Following upon sundry procedure, a Case Management Discussion (“CMD”) was fixed for 14 March 2022.

2. CASE MANAGEMENT DISCUSSION

The CMD took place by teleconference on 14 March 2022, when the Applicant was represented by his Agent, Jonathan Dobbie, of Saltouns Lettings, Edinburgh. The Respondent was neither present nor represented.

Confirmation was available of sheriff officer intimation of the CMD on the Respondent by letter box delivery and ordinary post on 2 February 2022. Accordingly, notwithstanding the Respondent’s absence, the Tribunal

considered the CMD could proceed. Clearly, however, since the Respondent was neither present nor represented, no facts relating to the background in which the rent fell into arrears were capable of agreement.

Mr Dobbie confirmed that further arrears had accrued since commencement of these proceedings but that the Respondent had now vacated the Property as at 20 January 2022. Accordingly the sum now sought was £1698-39, taking account of rent due to that date of £398-39, which total figure fell to be reduced by £60, awaited by the Applicant from the Respondent's deposit, which the Applicant was content to be deducted from the total, leaving a total sum claimed of £1638-39. The Tribunal formally allowed amendment of the sum claimed to this amount. He further advised that, so far as he was aware, there had been no further contact with the Respondent since he moved out and accordingly he had no information to provide about any reasons behind the rent arrears which had accrued or regarding any proposal for settlement of same.

In the circumstances he asked the Tribunal to make the order for payment sought in the amended amount of £1638-39.

Obviously, in view of the Respondent's non-attendance, there was no challenge to any of what was stated on behalf of the Applicant.

3. FINDINGS IN FACT

The Respondent is due and liable for arrears of rent up to 20 January 2022 in the sum of £1638-39 arising out of a Private Residential Tenancy Agreement for the Property between the parties commencing 1 June 2021, in respect of which the Respondent agreed to pay rent of £650 per month.

4. REASONS FOR DECISION

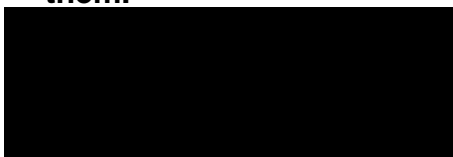
The Tribunal was prepared to accept the position as stated on behalf of the Applicant regarding accrual of rent arrears, there being no contrary position placed before it. Accordingly, the Respondent is due and liable for arrears of rent in the sum of £1638-39 up till 20 January 2022, when he vacated the Property and it is just to grant the order for payment in that amount.

5. DECISION

To grant the order for payment sought against the Respondent in the sum of £1638-39.

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

14 MARCH 2022
Date