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/20/1230

Re: Property at 4/4 (otherwise 4 1F1), Dalgety Road, Edinburgh, EH7 5UJ ("the Property")

Parties:

Miss Catriona Millar, 23 Craigentinny Avenue North, Edinburgh, EH6 7LJ ("the Applicant")

Mr Chamkaur Singh otherwise Dhindsa, Mrs Harjeet Singh, unknown, unknown, unknown; 4/4 (otherwise 4 1F1), Dalgety Road, Edinburgh, EH7 5UJ ("the Respondent")

Tribunal Members:

John McHugh (Legal Member)

Decision (in absence of the First Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the Respondents should be ordered to pay the sum of £2759.78 to the Applicant.

Background

The Applicant holds the landlord's interest and the Respondents the tenant's interest under a private residential tenancy agreement dated 26 January 2019. The Applicant wishes an order to be granted in her favour in respect of sums due relating to the Respondents' occupation of the Property.

The Case Management Discussion

A Case Management Discussion ("CMD") took place by conference call on 2 September 2020. The Applicant was present. The Second Respondent was in attendance. She advises that the First Respondent has "run off" to India. The

Tribunal was satisfied that notification of the hearing had been given to the First Respondent. The First Respondent has taken no part in any stage of the proceedings.

The Applicant had originally claimed the sum of rent outstanding at the time of the application of £1900 but had applied in terms of Rule 14A of the Tribunal Rules to amend this on 15 August 2020 to the then outstanding figure of £3059.78.

The Applicant wished to increase the sum claimed further to reflect the rent payment which would have become due on 1 September 2020.

It became apparent during the hearing that the Applicant had very recently made a payment to account of £300.

Findings in Fact

The Applicant holds the landlord's interest and the Respondents the tenant's interest under a private residential tenancy agreement dated 26 January 2019.

The Tenancy Agreement provides that rent is due at the rate of £675 per month.

The obligation to pay rent is joint and several in terms of the Tenancy Agreement.

On 25 February 2020, the Applicant served a Notice to Leave requiring the Respondents to leave by 22 May 2020.

The Respondents remain in occupation.

The sum of £2579.78 is currently outstanding by the Respondents to the Applicant in respect of unpaid rent and damages for occupation.

Reasons for Decision

The Tribunal grants the Applicant's application dated 15 August 2020 to amend the sum claimed to £3059.78. The Applicant wished to increase the sum claimed further to reflect the rent payment which would have become due on 1 September 2020 but, as there is insufficient time to give the 14 days' notice required by Rule 14A of the Tribunal Rules, the Tribunal refused this application to amend.

The Applicant has established that rent due under the tenancy agreement is unpaid to the extent of £3059.78. A credit requires to be applied for the recent payment of £300. The First Respondent accepts that the sum is due. No counter argument has been presented and the Tribunal knows of none.

Decision

The Respondents should be ordered to pay to the Applicant the sum of £2759.78.

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.

John McHugh

    2 September 2020

John McHugh, Legal Member/Chair   **Date**