



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/20/2567

Re: Property at 18 Delta Gardens, Musselburgh, EH21 8DS (“the Property”)

Parties:

Mr Robert Wilson Gordon, Rose Cottage, Duns Road, Gifford, EH41 4QW (“the Applicant”)

Ms Maureen Taylor, 18 Delta Gardens, Musselburgh, EH21 8DS (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member) and Elizabeth Currie (Ordinary Member)

Decision (in absence of the Respondent)

- 1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondent shall make payment to the applicant the sum of three thousand four hundred and forty eight pounds and sixty six pence (£3448.66).**
- 2. This was the third hearing in connection with an application in terms of s71 of the Private Housing (Tenancies)(Scotland) Act 2016, ‘the Act’ and rule 111 of the First-tier Tribunal Housing and Property Chamber (Procedure) Regulations 2015, ‘the rules’. There was a second application before the tribunal in terms of rule 109 for eviction proceedings. The applicant was represented by Mr Callum Macleod of Gordon Stirling Burnett Solicitors. The respondent did not attend and was not represented. At the first hearing on 10 February 2021 the tribunal had sight of the execution of service of sheriff officer dated 11 January 2021 and was satisfied that the respondent had received appropriate notice in terms of rule 24. For this hearing, the respondent was sent a recorded delivery letter by the tribunal on 22 March**

2021 which was signed for on 23 March 2021. The tribunal proceeded with the hearing in her absence in terms of rule 24 and 29.

3. The tribunal had before it the following copy documents:

- (1) Application dated 9 December 2020 and received on 11 December 2020.
- (2) Private Residential Tenancy Agreement 'PRT' dated 11 September 2018.
- (3) Rent statement with arrears as at 7 December 2020.
- (4) Land certificate.

4. The tribunal heard oral evidence from Ms Lesley Scott of GSB Properties that rent arrears began to accrue in February 2020 and that nothing has been paid towards the rent or arrears since July 2020.

5. Findings in fact

- (i) **The applicant is the owner of the property.**
- (ii) **The parties entered into a private residential tenancy 'PRT' for let of the property in September 2019 with a start date of 21 September 2018.**
- (iii) **Rent arrears began to accrue in February 2020.**
- (iv) **No rent has been paid since July 2020.**
- (v) **The rent arrears at 7 December 2020 were £3448.66.**
- (vi) **This sum remains outstanding.**

6. Reasons

This was an undefended application to recover rent arrears arising out of a PRT. The tribunal granted the order sought.

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.

L Ward

**Lesley A Ward
Legal Member**

Date: 26 April 2021