



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

Chamber Ref: FTS/HPC/CV/19/2687

Re: Property at 1 Gumley Place, Edinburgh, EH6 7LS (“the Property”)

Parties:

Hillcrest Enterprises Limited, 1 Explorer Road, Dundee, DD2 1EG (“the Applicant”)

Mr Elvis Ovuorie, 1 Gumley Place, Edinburgh, EH6 7LS (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondent in the sum of £9130.95.

Background

1. By application dated 22 August 2019 the Applicant’s representatives, T C Young, Solicitors, Glasgow, applied to the Tribunal for an order for payment in respect of alleged rent arrears as it was alleged the Respondent had accrued rent arrears since January 2019. The Applicant’s representatives submitted in support of the application a copy of the Tenancy agreement, a Rent Statement, and a Rent increase letter and Rent Increase Notice.
2. By Notice of Acceptance dated 14 October 2019 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion was assigned.

3. Intimation of the Case Management Discussion was sent to the Applicant's representative by post on 29 October 2019 and was delivered to the Respondent by Sheriff Officers on 29 October 2019.
4. By email dated 7 November 2019 the Applicant's representatives applied to the Tribunal to amend the sum claimed in the application in terms of Rule 14A of the 2017 Rules from £6615.18 to £9130.95. The Applicant's representatives confirmed they had intimated the amendment to the Respondent by both Recorded Delivery and First Class post.

The Case Management Discussion

5. A Case Management Discussion was held at Riverside House, 502 Gorgie Road, Edinburgh on 3 December 2019. It was attended by Ms Morrison of the Applicant's representatives on behalf of the Applicant. The Respondent did not attend and was not represented. The Tribunal on being satisfied that the Respondent had been given proper intimation of the Case Management Discussion determined in accordance with Rule 29 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the 2017 Rules") to proceed with the Case Management Discussion in his absence.
6. Ms Morrison confirmed to the Tribunal that the parties had entered into a Private Rented Tenancy Agreement that had commenced on 18 December 2018 at a monthly rent of £823.00. The Respondent had made an initial payment of £378.54 being the pro rata payment for rent due to 1 January 2019. The Respondent had failed to make any further rent payments. Three direct debit payments had been returned unpaid.
7. Ms Morrison went on to explain that a letter enclosing a rent increase notice had been sent to the Respondent on 12 March 2019 intimating that the rent would increase to £838.59 with effect from 1 July 2019.
8. Ms Morrison produced a current rent statement showing the arrears as at 1 December to be £9969.54. She asked the Tribunal to grant an order for payment however in the amended sum of £9130.95. As the application to amend the sum claimed had been properly intimated the Tribunal allowed the sum claimed to be amended to £9130.95.

Findings in Fact

9. The parties entered into a Private Residential Tenancy Agreement that commenced on 18 December 2019 at a monthly rent of £823.00.
10. The rent increased with effect from 1 July 2019 to £838.59 per month.
11. The Respondent made a single payment of rent of £378.54 on 7 January 2019.

12. The Respondent has accrued rent arrears as at 1 December 2019 of £9969.54.

13. The rent arrears accrued by the Respondent as at 1 November 2019 amounted to £9130.95.

Reasons for Decision

14. The Tribunal was satisfied from the documents submitted by the Applicant's representatives and the submissions made at the Case Management Discussion on behalf of the Applicant that the parties had entered into a Private Rented Tenancy Agreement and that the initial rent had been £830.00 per month but had been increase by virtue of service of a Rent Increase Notice to £838.59 with effect from 1 July 2019.

15. The Tribunal was satisfied from the evidence before it that the Respondent had accrued rent arrears as at 1 November 2019 amounting to £9130.95 and that the Applicant was entitled to an order for payment by the Respondent of that sum.

Decision

16. The Tribunal finds that the Applicant is entitled to an order for payment by the Respondent in the sum of £9130.95.

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.

G Harding

03/12/19

Legal Member/Chair

Date 