



**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/22/4505**

**Re: Property at 101/2 Sighthill Loan, Edinburgh, EH11 4NT (“the Property”)**

**Parties:**

**Mr David Stevens, 6A Hart Street, Edinburgh, EH1 3RN (“the Applicant”)**

**Mr Solomon Adesina, UNKNOWN, UNKNOWN (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Order for Payment against the Respondent in favour of the Applicant in the sum of £1,275.**

**Background**

1. The Applicant submitted an application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order for payment in respect of rent arrears said to have been incurred by the Respondent.
2. By decision dated 19 June 2023, a Convenor of the Housing and Property Chamber, having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. The Notice of Acceptance was intimated to the Applicant’s representative on 21 June 2023. The Tribunal served the application on the Respondent by advertisement on the Housing and Property Chamber website on 24 July 2023.

### **The case management discussion**

4. The CMD took place by conference call. The Applicant joined the conference call personally. The Respondent did not join the conference call and the discussion proceeded in his absence. This case called alongside a related case which proceeds under chamber reference FTS/HPC/CV/23/0202. The Applicant explained that the Respondent vacated the property without notice on 3 March 2023. The Respondent did not make any arrangement to pay the arrears of rent and the Applicant does not know the current whereabouts of the Respondent. The Applicant made reference to the rent statement lodged, which sets out how the sum sought has been calculated. The Applicant moved for an order for payment in the sum of £1,275.

### **Findings in Fact**

5. The parties entered into a private residential tenancy which commenced 13 April 2022.
6. The contractual monthly rent was £425 per month, payable in advance.
7. The Respondent incurred rent arrears of £1,275.

### **Reason for Decision**

8. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondent failed to lodge written representations and failed to participate in the CMD. The rent statement lodged discloses arrears of rent due by the Respondent. There was nothing to suggest that the Respondent disputed the accuracy of the rent statement. The Tribunal was satisfied that the Respondent has incurred rent arrears amounting to £1,275.

### **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.**

**Nicola Irvine**

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**Legal Member/Chair**

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**22 August 2023**

**Date**