



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/22/2584

Re: Property at Flat 48, 5 Shrubhill Walk, Edinburgh, EH7 4FG (“the Property”)

Parties:

Shrubhill NHT LLP, 1 Hay Avenue, Edinburgh, EH16 4RW (“the Applicant”)

Mr Robert Adam Smith, Flat 48, 5 Shrubhill Walk, Edinburgh, EH7 4FG (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member) and David Fotheringham (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for payment in the sum of THIRTEEN THOUSAND, FOUR HUNDRED AND FIFTY THREE POUNDS AND SIXTY-SIX PENCE (£13453.66).

Background

1. By application dated 27th July 2022 the applicant sought an order for payment in respect of rent arrears.
2. The applicant lodged a copy of the tenancy agreement, up to date rent statement and copy correspondence with the application.
3. The present application was conjoined with an application seeking an order for eviction against the respondent under Tribunal reference FTS/HPC/EV/2583.

4. A case management discussion (“cmd”) was assigned for 7th November 2022.
5. On 4th October 2022 the applicant’s representative lodged an updated rent statement showing outstanding rent arrears as at 1st October to be £13,453.66. They requested that the amount being sought be amended to that amount. The request was intimated on the respondent as required in terms of Rule 13.

Case management discussion – 7th November 2022- teleconference

6. The applicant was represented at the cmd by Mr Caldwell, solicitor of Patten & Prentice solicitors. The respondent was not present or represented. The Tribunal was satisfied that proper notice of the cmd had been served on the respondent and determined to proceed with the cmd in his absence.
7. Mr Caldwell advised that arrears had increased to £14,154.76. He explained that as per the rent statement which had been lodged, the respondent had not paid any rent since September 2021. Mr Caldwell explained that the applicant had a large portfolio of rental property. The rent was increased to £701.10 per calendar month in June 2022. The rent statement reflected that increase.
8. The applicant’s representative had written to the respondent on 25th July 2022 providing information about the level of rent arrears, a copy of the tenancy agreement and guidance on how to access advice and assistance to deal with the arrears issue. He advised that the last contact the respondent had made with the applicants was in October 2020.

Findings in fact

9. Parties entered in a Private Residential Tenancy agreement with a commencement date of 8th February 2019.
10. Monthly rent due in terms of the agreement was initially £664.07 and had increased to £701.10 in June 2022.
11. The respondent had not paid any rent since September 2021.
12. Arrears as at 1st October 2022 amounted to £13,453.66.

Reasons for the decision

13. The Tribunal took into account the documents which had been lodged with the application, the applicant's written representations and Mr Caldwell's submissions at the cmd.
14. The respondent did not dispute the application having failed to lodge any written response or attend the cmd.
15. The Tribunal had no reason to disbelieve the representations made on behalf of the applicant and determined the amount sought was lawfully due.

Decision

The Tribunal determined to grant an order for payment in the sum of THIRTEEN THOUSAND, FOUR HUNDRED AND FIFTY THREE POUNDS AND SIXTY-SIX PENCE (£13453.66).

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.

M. C. Kelly

Legal Member/Chair

7th November 2022 _____
Date