

Housing and Property Chamber

First-tier Tribunal for Scotland



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/22/0778

Property: 11/6 High Riggs, Tollcross, Edinburgh EH3 9BW (“the Property”)

Parties: Mr Raymund Johnstone, 40 (1F2) Warrender Park Terrace, Edinburgh EH9 1EB (“the Applicant”)

Mr Simon Tims, 11/6 High Riggs, Tollcross, Edinburgh EH3 9BW (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member)

Angus Lamont (Ordinary Member)

Decision (in absence of the respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) determined that an order for payment by the respondent to the applicant in the sum of ELEVEN THOUSAND NINE HUNDRED POUNDS (£11,900) with interest at the rate of 8% per annum be made.

Background

1. The applicant applied to the tribunal by way of application dated 16 March 2022. Accompanying the application was a copy of the Tenancy Agreement dated 10 July 2014, a copy of the Tenancy Agreement dated 25 July 2019 and a copy of the Rent Statement dated 1 March 2022. As at 1 March 2022 the outstanding sum of rent was £9,350.
2. The application was received by the tribunal on 17 March 2022. On 4 April 2022 the application was accepted for determination by the tribunal.
3. Intimation of the application was made by sheriff officers on the respondent on 16 May 2022.
4. The applicant sought to amend the sum sought to £11,900 by email dated 13 June 2022 which application was sent to the respondent on 14 June 2022.
5. The respondent had not lodged any written representations.

Case Management Discussion

6. At the case management discussion Ms Woolley of Messrs Bannatyne Kirkwood France & Co attended on behalf of the applicant. There was no appearance by or for the respondent.
7. At the hearing Ms Woolley was able to confirm that the respondent had not been in any communication with either the letting agent or the applicant. Arrears of rent were now at £11,900 and no payment of rent had been made since May 2021.

Findings in fact

8. The parties entered into a Tenancy Agreement on 1 July 2019 in respect of the property at 11/6 High Riggs, Tollcross, Edinburgh EH3 9BW.
9. Rent was due to be paid at the rate of £850 per month on all sums due with interest running on outstanding sums at the rate of 8% per annum.
10. The respondent had not paid rent and the outstanding sum of rent was £11,900 as at the date of the case management discussion.

Reasons for decision

11. The paperwork was in order. The respondent had not provided any written representations and did not attend at the hearing. Ms Woolley spoke to the amount of rent outstanding. The tribunal accepted both the written and oral evidence that was being provided.

Decision

12. An order for payment by the respondent to the applicant of the sum of ELEVEN THOUSAND NINE HUNDRED POUNDS (£11,900) with interest at the rate of 8% per annum.

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.

Mark Thorley

Legal Member/Chair:

Date: 17 June 2022