

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 16 of the Housing(Scotland) Act 2014.

Chamber Ref: FTS/HPC/CV/19/2082

Re: Property at 20/6 Jamaica Mews, Edinburgh, EH3 6HW ("the Property")

Parties:

Mr Robin Dempsey, 1 Eshiels Steading, Peebles, EH45 8NA ("the Applicant")

Mr Evan Popplestone, 20/6 Jamaica Mews, Edinburgh, EH3 6HW ("the Respondent")

Tribunal Members:

Lesley Ward (Legal Member)

Decision (in absence of the Respondent)

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 two thousand two hundred pounds (£2200).

This was a case management discussion 'CMD' in connection with an application in terms of rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 'the rules' and s16 of the Housing (Scotland) Act 2014, 'the Act' in respect of rent arrears for the property at 20/6 Jamaica Mews Edinburgh EH3 6HW, 'the property'.

The tribunal had before it the following copy documents:

1. Application dated 3 July 2019 and received by the Tribunal on 4 July 2019.
2. Rent statement.
3. Exchange of emails between Mr Dobbie and respondent.
4. Lease.
5. Sheriff Officer's execution of service.

Mr Jonathan Dobbie of Saltouns Property Letting attended the CMD on behalf of the applicant. The respondent did not attend and was not represented.

Preliminary matters

1. The tribunal noted that the sheriff officer's report from 15 August 2019 stated that the papers were deposited at the property on that date. There is also a copy email with the papers from the respondent dated 4 April 2019 in which the respondent states that he intends to move out of the property. Mr Dobbie advised the tribunal today that a member of staff from his company attended at the property in the last few days and the respondent is still residing there. Proceedings for eviction have been commenced but have not concluded. The tribunal therefore accepted that the respondent is aware of today's CMD and proceeded accordingly.
2. Mr Dobbie advised that he is instructed by the applicant and the joint owner Mrs Dempsey is also aware of the lease and this application. He produced a letter from Mrs Dempsey to this effect. The letter also referred to an email by the applicant instructing Mr Dobbie in this application. The tribunal accepted that Mr Dobbie is instructed in this matter and that the joint owner is in agreement.

Discussion

Mr Dobbie stated that the sum of £2200 remains outstanding and further arrears have accrued. The tribunal was not minded to grant an order for an increased sum as no amendment had been made in terms of rule 13.

Findings in fact

1. The parties entered into a lease to rent the property in November 2007.
2. The initial monthly rental was £450.
3. The rent was increased in December 2018 to £610 per month.
4. The parties agreed to a reduced rent of £550 in April 2019.
5. 4 months' rent arrears accrued between March 2019 and June 2019 of £2200.
6. The sum of £2200 remains outstanding.

Reasons

The tribunal was satisfied that it had sufficient information before it today to make a decision and that the procedure had been fair. The tribunal was satisfied on the basis of the information before it that the sum of £2200 is due and accordingly the tribunal granted an order for this amount.

Lesley Ward

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.

Lesley Ward

26 September 2019

Lesley Ward Legal Member

Date