

**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
Act 2016**

Chamber Ref: FTS/HPC/CV/23/3820

Re: Property at 5/18 Sailmaker Road, Edinburgh, EH6 7JR (“the Property”)

Parties:

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

Mr Livio Rocha, 5/18 Sailmaker Road, Edinburgh, EH6 7JR (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member) and Frances Wood (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 Two thousand Four hundred and Forty nine pounds Ninety six pence (£2,449.96) with interest at the rate of 8% per annum from the date of the order until payment be made.

Background

1. The Applicant applied to the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) by application dated 30 October 2023. Together with the application was a copy of the following documentation:

- i. Tenancy Agreement.
- ii. Head Lease
- iii. Rent Statement
- iv. Insite Energy Statement of Account
- v. Insite invoices

2. The application was acknowledged on 31 October 2023.

3. On 16 November 2023 the application was accepted for determination.
4. The application was served by sheriff officers on 5 January 2024.
5. No written representations were received by the Tribunal.

Case Management Discussion

6. At the case management discussion Ms Donnelly solicitor attended on behalf of the Applicant. There was no appearance by or for the Respondent.

7. Ms Donnelly narrated that subsequent to the application being made the sums due have been reduced to the sum of £2,449.96. This had occurred because an energy grant had been received in the sum of £900. Rent was being received because the Respondent was in receipt of universal credit but it did not deal with the arrears. There had been no engagement by the Respondent.

Findings in Fact

8. The parties entered into a Tenancy Agreement in respect of the property at 5/18 Sailmaker Road, Edinburgh EH6 7JR dated 1 June 2016.

9. Rent was payable at the rate of £625.26 per calendar month. Rent was subsequently increased on 1 April 2017 to £642.96, on 1 April 2018 to £671.59, on 1 April 2019 to £692.39, on 1 April 2020 to £708.36, on 1 April 2021 to £720.01 and on 1 August 2023 to £741.61.

10. At the date of the application the amount of rent due was £2,714.28.

11. The Respondent was also due an energy bill totalling £956.08.

12. As at the date of the hearing an energy grant had been made in the sum of £900.

13. The total amount due by the Respondent at the date of the case management discussion was £2,449.96.

Reasons for decision

14. The Respondent did not attend at the case management discussion. There were no written representations.

15. The Applicant had lodged the rent statement and in addition the energy statement. The Applicant through their agent was able to confirm the up to date position of rent that was outstanding in the sum of £2,449.96.

16. The Tribunal accepted that position. The documentation was in order.

Decision

To make an order for payment by the Respondent to the Applicant in the sum of £2,449.96 together with interest at the rate of 8% per annum from the date of the order to follow.

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 Thorley

23rd February 2024

Legal Member/Chair

Date