



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/CV/19/0873

Re: Property at 4 Upper Strand, 9 Saltire Street, Edinburgh, EH5 1QS (“the Property”)

Parties:

Places for People Homes Limited, c/o Touchstone, Stanley House, Clarence Dock, Leeds, LS10 1PZ (“the Applicants”)

Miss Chelsea Adams, Mr Callum Greens, 4 Upper Strand, 9 Saltire Street, Edinburgh, EH5 1QS; 4 Upper Strand, 9 Saltire Street, Edinburgh, EH5 1QS (“the Respondents”)

Tribunal Members:

Virgil Crawford (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

BACKGROUND

1. By lease dated 28 October 2013 the Respondents rented the Property from the Applicants;
2. The rent payable was £550.00 per calendar month;
3. The Respondents fell in to arrears of rent. An application was made to the Tribunal for an order for payment. The application was received by the Tribunal on 18 March 2019. It sought an order for payment in the sum of £3,100.00, being the amount apparently due at that time. A separate application was received seeking an order for recovery of possession of the Property. The Respondents, however, vacated the Property on 8 April 2019 and the application seeking recovery of possession was withdrawn;
4. The Application proceeded on the basis that rent was due at the rate of £600.00 per calendar month. The lease, however, provided for rent at the rate of £550.00 per calendar month. It made no provision for increases at any

time. No evidence was provided to indicate that the rent had been increased nor that the Respondents had agreed to any such increase;

THE CASE MANAGEMENT DISCUSSION

5. The Applicants were represented at the Case Management Discussion by Mr N Matheson, Solicitor; Messrs TC Young Solicitors, Edinburgh;
6. The Respondents failed to attend. The Tribunal was in receipt of executions of service by sheriff officers confirming that the place, date and time of the Case Management Discussion had been intimated to the Respondents, together with a copy of the case papers. In the circumstances the Tribunal, being satisfied in terms of Rule 24 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the FTT Rules") that the Respondents had received reasonable notice of the same determined that it was appropriate to proceed in accordance with Rule 29 of the FTT Rules;
7. At the Case Management Discussion Mr Matheson moved the Tribunal to amend the amount claimed to reflect the amount of rent outstanding at the date of the Case Management Discussion. The proposed amendment was to reduce the sum due to £1,650.00. This was to take account of:
 - a) The fact the contractual rent provided for was £550.00 per month rather than £600.00 per month;
 - b) the additional rent due from the period covered by the original application to the Tribunal until the date the Respondents vacated the Property on 8 April 2019;
 - c) further payments received, including the payment to the Applicants of the tenancy deposit received at the start of the tenancy.

The Tribunal allowed this amendment which, of course did not prejudice the Respondents in any way;

FINDINGS IN FACT

8. The Tribunal found the following facts to be established:-
 - a) By lease dated 28 October 2013 the Respondents rented the Property from the Applicants;
 - b) The rent payable was £550.00 per calendar month;
 - c) The Respondents fell in to arrears of rent. As at 10 June 2019, being the date of the Case Management Discussion, the rent outstanding amounted to £1,650.00. That sum is due and payable to the Applicants;

DECISION

The Tribunal grants an order against the Respondents jointly and severally and severally for payment of the sum of ONE THOUSAND SIX HUNDRED AND FIFTY POUNDS (£1,650.00) STERLING to the Applicants

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.

Virgil Crawford

10 June 2019

Legal Member/Chair

Date