



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

**Chamber Ref: FTS/HPC/CV/21/0768**

**Re: Property at 25 Merchiston Mews, Edinburgh, EH10 4PE (“the Property”)**

**Parties:**

**Garrick Stark, c/o 28-28A Dundas Street, Edinburgh, EH3 6JW (“the Applicant”)**

**David Frederick Linnett, 15 West Castle Road, Edinburgh, EH10 5AT (“the Respondent”)**

**Tribunal Members:**

**Paul Doyle (Legal 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 should be made.**

**Background**

The Applicant sought an order for payment of rental arrears totalling £423.25. The Applicant had lodged with the Tribunal Form F. The documents produced were a Tenancy Agreement 20 and 21 February 2021, and a statement of arrears of rental. A copy title sheet was lodged with the Tribunal which shows that the applicant is the heritable proprietor of the Property.

**Case Management Discussion**

A case management discussion took place before the Tribunal at 10.00am on 14 October 2021 by telephone conference. The Applicant was represented by Mrs L Chisholm. The respondent was neither present nor represented.

**Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Private Residential Tenancy Agreement for the Property dated 20 and 21 February 2021.
2. The tenancy started on 24 February 2021. The tenancy ended in December 2020 when the Respondent vacated the property.
3. The rent in terms of the Tenancy Agreement was £1,650 per month.
4. When the Respondent vacated the property there were arrears of rental totalling £2,223.25. The Applicant recovered £1,800 from the tenancy deposit scheme, which reduced the arrears of rental to £423.25. At today's date there are still arrears of rental totalling £423.25.
5. Notice of the date of this hearing was served on the Respondent on the Advertisement page of the website of the First-tier Tribunal for Scotland (Housing and Property Chamber) website from 10 September 2021 to 14 October 2021.

### **Reasons for the Decision**

The Tribunal determined to make an Order for payment of £423.25. Rent was lawfully due in terms of clause 8 of the Tenancy Agreement. When the Respondent vacated the property there were arrears of rental totalling £2,223.25. The Applicant recovered £1,800 from the tenancy deposit scheme, which reduced the arrears of rental to £423.25. At today's date there are still arrears of rental totalling £423.25.

### **Decision**

For the foregoing reasons, the Tribunal determined to make an Order for payment.

### **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.**

**Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.**

**P. D**

**Legal Member**

**Date 14 October 2021**