



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 (Act)

Chamber Ref: FTS/HPC/CV/22/1767

Re: Property at 5/11 or 5 (2F3), Stewart Terrace, Edinburgh, EH11 1UT (“the Property”)

Parties:

Mrs Gloria Wei, 4 Shearrie Knowe Gardens, Edinburgh, EH13 0FN (“the Applicant”)

Mr James Gibson, 5/11 or 5 (2F3), Stewart Terrace, Edinburgh, EH11 1UT (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member) and Gerard Darroch (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 be granted in the sum of £8,310.

Background

This is an application under Rule 111 of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (Rules)* and section 71(1) of the Act in respect of a claim for payment of alleged rent arrears.

The Tribunal had regard to the following documents:

1. Application received 9 June 2022;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 8 July 2020;
3. Rent Arrears Statement;
4. Certificate of Service of Tribunal CMD Notification on the Respondent by Sheriff Officers dated 12 October 2022;
5. Updated Schedule of Rent Arrears as at 8 July 2022.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 21 November 2022. The Applicant did not participate but was represented by her Letting Agent. The Respondent did not participate and was not represented.

The Tribunal delayed the start of the CMD to see if the Respondent would participate but he did not.

The Tribunal were satisfied that the Respondent had received notification of the Case Management Discussion and that the Tribunal could determine the matter if it considered it had sufficient information to do so and the procedure was fair. The notification also advised the Respondent that he should attend and the Tribunal could determine the matter in absence if he did not.

The Applicants' Representative had produced a Schedule of Rent Arrears as at 8 July 2022. It disclosed that the amount of arrears had increased to £8,310. Currently, the arrears had increased to in excess of £12,000. The Respondent had been in receipt of housing benefit but had not passed this on to the Applicant.

The Applicant's Representative sought an order or payment in the sum of £8,310. She would raise a separate application for the balance of arrears.

The Tribunal then considered the documentary evidence it had received and the submissions made. In so far as material the Tribunal made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 8 July 2020;
2. The monthly rent was £700;
3. As at 8 July 2022 the Respondent was in arrears of rent in the sum of £8,310;
4. As at the date of the CMD the Respondent was in arrears of rent in excess of £12,000.

Decision and Reasons

The Tribunal was satisfied that in the circumstances the Applicant was due the outstanding rent from the Respondents and granted the order sought.

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.

A Strain

21 November 2022

Legal Member/Chair

Date