



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

Chamber Ref: FTS/HPC/CV/22/2929

Re: Property at 113 Henderson Row, Edinburgh, EH3 5BB (“the Property”)

Parties:

Ms Anya Bowman, 3A Gillsland Road, Edinburgh, EH10 5BW (“the Applicant”)

Mr William Nicoll, c/o Mr Paul Nicoll, 23a Cheyne Street, Edinburgh, EH4 1JD (“the Respondent”)

Tribunal Members:

Mark Thorley (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 by the Respondent to the Applicant in the sum of £5006.15 (Five Thousand and Six Pounds and Fifteen Pence)

Background

The applicant applied to the First-Tier Tribunal for Scotland by application dated 17th August 2022. Accompanying the application were the following documents:-

1. Statement of Deposit claim
2. Rent Arrears Statement
3. Statement of Fees
4. Cleaning Invoice/removals invoice

The application was received by the tribunal on 19th August 2022. Certain further information was required. The information sought was

provided by the applicant and on 28th November 2022 the application was accepted for determination.

Intimation of the application was made to the respondent and served by Sheriff Officers on 21st December 2022.

No written representations were made by the respondent in advance of the case management discussion.

Case Management Discussion

At the case management discussion Ms. Chapman the applicant's representative attended.

There was no appearance by or for the respondent. Ms. Chapman confirmed that the respondent had ceased paying rent in January 2022. The respondent had vacated the premises by 30th June 2022.

Findings in Fact

The parties entered into a private residential tenancy agreement for the property at 113 Henderson Row Edinburgh dated 18th and 20th October 2019.

Rent was payable initially on the basis of a payment of £5,250 payable in advance together also with a deposit of £1,312.50.

Subsequently rent was accepted at the rate of £875 per month.

Rent arrears of £4 967.15 had accrued. There were other additional costs bringing out a total due of £6,318.65. m

The tenants deposit was set off against the amount due and accordingly the sum of £5,006.15 remained outstanding.

Reasons for Decision

The respondent had not provided any written representation. The respondent did not attend at the case management discussion.

All documentation relating to the tenancy was provided by the applicant. The tribunal accepted the evidence that had been provided and made an Order as sought.

Decision

To make an Order for payment by the respondent to the applicant in the sum of £5,006.15.

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

Legal Member/Chair

15 February 2023

Date