

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**First-tier Tribunal for Scotland (Housing and Property Chamber)**

**Decision: Section 43 Tribunals (Scotland) Act 2014 and regulation 39 of The First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Amendment Regulations 2017.**

**Chamber Ref: FTS/HPC/CV/23/2337**

**Re: Property at 18 Wardlaw Street Flat 16 or 3F4, Edinburgh, EH11 1TP (“the Property”)**

**Parties:**

**Ider Holdings Limited, 22 Great King Street, Edinburgh, EH3 6QH (“the Applicant”)**

**Mr Michael Greenhill, Miss Hayley Jane McDougall, 10 Broomhouse Loan, Edinburgh, EH11 3TS (“the Respondent”)**

**Tribunal Member:**

**Fiona Watson (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) considered the application for review submitted by the Applicant and determined to exercise its discretion to review the decision made by it and dated 19 February 2024.**

**Background:**

1. The Tribunal considered an application submitted by the Applicant under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondents in relation to rent arrears and damages costs accrued under a private residential tenancy agreement.
2. The Tribunal held a Case Management Discussion (“CMD”) on 19 February 2024 and issued its decision on the same date. The Tribunal granted an order

against the Respondent for payment of the sum of £645.12, being the sum as set out in the application form.

### **Application for Review:**

3. On 22 February 2024 the Applicant's representative submitted an email to the Tribunal requesting that the Tribunal amend its decision. The Applicant sought that the sum awarded be amended to £1950.02, which amended sum had been set out in an email sent to the Tribunal of 14 August 2023, following submission of the application but in advance of the CMD, and which email had been intimated to the Respondent prior to said CMD.

### **Findings**

4. The Tribunal considered matters in terms of the provisions of Section 43 of the Tribunals (Scotland) Act 2014 and Regulation 39 of The First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Amendment Regulations 2017 and determined that it would exercise its discretion to review its decision.

### **Reasons**

5. The Tribunal had determined the matter after considering oral representations from the Applicant's representative. The Tribunal noted that at the CMD, the Applicant's representative had confirmed that the sum sought in the application was the sum being sought at the time of the CMD. It is noted that in the Applicant's representative's email of 22 February 2024 they state *"due to the lengthy time this process has taken I have mistaken the actual amount owed by the tenants upon vacating without notice therefore, the figure discussed recently on the conference call with Fiona Watson is incorrect."* Whilst this is an error on the part of the Applicant's representative at the CMD and the Tribunal was entitled to proceed as it did, the Tribunal notes that the increased sum had been intimated in advance of the CMD by email of 24 August 2024 and which had been intimated on the Respondent also, therefore there appears to be no prejudice.
6. The Tribunal accordingly determined that it would exercise its discretion to review its decision and amend the sum awarded to that of £1,950.02.

# **F Watson**