



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)  
Act 2014**

**Chamber Ref: FTS/HPC/CV/22/3434**

**Re: Property at Flat 22, 25 Gullans Close, 264 The Cannongate, Edinburgh,  
EH8 8JW (“the Property”)**

**Parties:**

**Places for People Scotland in Association with Castle Rock Edinvar Housing  
Association Limited, 1 Hay Avenue, Edinburgh, EH16 4RW (“the Applicant”)**

**Ms Cristina Tessaro, Mr Kerr Christison, Flat 22, 25 Gullans Close, 264 The  
Cannongate, Edinburgh, EH8 8JW (“the Respondent”)**

**Tribunal Members:**

**Yvonne McKenna (Legal Member) and Gordon Laurie (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that an order for payment be granted against the  
Second-Named Respondent Mr Kerr Christison only in the amount of  
£17,276.02 with interest at the rate of 4 % per annum from 18 January 2023  
until payment**

**Background**

1. By application dated 16 September 2022 made under Rule 70 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Rules”), the Applicant applied for an order for payment in the sum of £15,507.46, which was subsequently amended to £17,276.02 together with interest at the rate of 4 % per annum.

2. The Applicant's representative lodged with the tribunal the following documents;-
  - Short assured tenancy agreement dated 12 January 2017
  - Rent statement dated 30 September 2022
  - Guidance Leaflet issued by the Scottish Government
  - Letter to the Respondent dated 14 September 2022 from the Applicant's Representative
3. Notification of the application and the forthcoming CMD was made upon the Respondent by Sheriff Officer on 30 November 2022.
4. By email dated 16 January 2023, the Applicant's representative lodged an updated rent statement showing rent arrears in the sum of £17,276.02.

### **The Case Management Discussion (CMD)**

5. A CMD took place by telephone conference on 18 January 2023. The CMD was conjoined with an application for eviction under Tribunal reference FTS/HPC/EV/22/3433.
6. The Applicant was represented by Mr Kenneth Caldwell solicitor. The First Named Respondent was absent. The Second Named Respondent was in attendance and was not represented.
7. Prior to the CMD no communication had been received from the Respondent.
8. Mr Caldwell said that he was seeking to amend the sum claimed in the application to the amount of £17,276.02. He sought a payment order in that amount together with interest at 4 %. He sought an order only against the Second Named Respondent. He indicated that the Applicant accepted that Ms Tessaro had left the Property in January 2020.
9. Mr Christison accepted that he had received the updated rent statement and he accepted that this represented the sum due in respect of rent arrears at the date of the CMD.
10. Mr Christison said that he had been made redundant at around the time that Ms Tessaro had left the Property. He had been struggling with his mental and physical health. He did not oppose the order sought.

### **Findings in Fact and Law**

11. Parties entered into a Short Assured Tenancy that commenced on 12 January 2017.
12. In terms of the tenancy rent was due at the rate of £499 per month, to be paid monthly and in advance.
13. The lease provided for rent increases
14. The rent had been increased periodically since that date.
15. Currently the rent due is £586.89 per month.
16. Rent lawfully due in terms of the tenancy agreement has not been paid by the Respondent.
17. The Applicant is entitled to recover rent lawfully due.

### **Reasons for Decision**

18. The Respondent has failed to make payment of rent lawfully due. The Applicant is entitled to recover rent lawfully due in terms of the tenancy agreement between the parties. Mr Christison accepts the sums sought by way of rent arrears are due by him.

### **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.**

**18 January 2022**

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**Legal Member/Chair**

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**Date**