



**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/19/3625**

**Re: Property at 108/1 Barn Park Crescent, Edinburgh, EH14 3HP (“the  
Property”)**

**Parties:**

**Mr Ian Morrison, 74/5 Harrison Gardens, Edinburgh, EH11 1SD (“the  
Applicant”)**

**Mr Ali Nur, 108/1 Barn Park Crescent, Edinburgh, EH14 3HP (“the  
Respondent”)**

**Tribunal Members:**

**George Clark (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that the application should be granted without a Hearing  
and made an Order for Payment by the Respondent to the Applicant of the  
sum of £5,400.**

**Background**

By an application, received by the Tribunal on 8 November 2019, the Applicant sought an Eviction Order against the Respondent. The Ground relied on was Ground 12 of Part 3 of Schedule 3 to the Private Housing (Tenancies) Scotland Act 2016 (“the 2016 Act”), namely that the Respondent has been in arrears of rent for three or more consecutive months.

The application was accompanied by copies of a Private Residential Tenancy Agreement between the Parties commencing on 7 January 2019, and a Rental Statement showing arrears as at November 2019 of £4,050. The application stated that no rental payments had been made since 2 May 2019.

On 19 December 2019, the Tribunal advised the Parties of the date, time and place of a Case Management Discussion and the Respondent was invited to make written representations by 7 January 2020. The Respondent did not make any written representations to the Tribunal.

On 6 January 2020, the Applicant's representatives asked leave to amend the application to increase the amount sought to £5,400 and submitted an updated Rental Statement showing arrears as at January 2020 of £5,400.

### **Case Management Discussion**

A Case Management Discussion was held at Riverside House, 502 Gorgie Road, Edinburgh on the afternoon of 20 January 2020. The Applicant was represented by Miss Hayley Swanson of Gillespie Macandrew LLP, solicitors, Edinburgh. The Respondent was not present or represented. Miss Swanson confirmed that no payments of rent had been received since the date of the application and asked the Tribunal to make the Order for Payment without a Hearing.

### **Reasons for Decision**

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.

The Tribunal was satisfied that the sum sought had become lawfully due by the Respondent to the Applicant and accepted the amendment sought on 6 January 2020.

### **Decision**

The Tribunal determined that the application, as amended, should be granted without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £5,400.

### **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.**

George Clark

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**Legal Member/Chair**

20 January 2020

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**Date**