

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

---



**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/18/2062**

**Re: Property at 10/3 Morven Street, Edinburgh, EH4 7LQ (“the Property”)**

**Parties:**

**Mr Michael Barrett, Mrs Debbie Berrett, c/o and represented by DJ Alexander Lettings Ltd, 1 Wemyss Place, Edinburgh, Eh3 6DH (“the Applicant”)**

**Miss Amanda Henderson, 10/3 Morven Street, Edinburgh, EH4 7LQ (“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 decided without a hearing, that the application should be granted and that an Order for payment by the Respondent to the Applicant of the sum of Four Thousand Three Hundred Pounds (£4,300) should be made.**

**Background**

By application, received by the Tribunal on 10 August 2016, the Applicant sought an Order for payment of £2,580, with interest at the rate of 4.75%. The application was accompanied by a copy of a tenancy agreement between the Parties. The commencement date of the tenancy was 5 August 2017 and the rent was £860 per month and there was provision for payment of interest on unpaid rent at the rate of 4% above the bank of England base rate. The Applicant, by e-mail dated 13 September 2018, sought to amend the application, to increase the amount sought to £4,300 and provided an updated Statement of Arrears. As at the date of the e-mail, the arrears stood at £3,440, but the Applicant included the amount which would fall due on 5 October 2018, as there was no expectation that it would be paid and it would, therefore, be outstanding at the date of the Case Management Discussion.. The e-mail was cross-copied to the Respondent.

The Tribunal advised the Parties by letter dated 27 September 2018 of the date and place of a Case Management Discussion and invited the Respondent to make

written representations by 10 October 2018. The Respondent did not make any written representations to the Tribunal.

### **Case Management Discussion**

A Case Management Discussion was held at George House, 126 George Street, Edinburgh on the afternoon of 12 October 2018. The Applicant's representative was present. The Respondent was neither present nor represented.

The Applicant's representative referred to the application and the request for amendment contained in the e-mail of 13 September 2018 and asked for an Order to be made for the sum of £4,300 without a hearing. The Applicant's representative confirmed that the reason for the increase in the sum sought was that the Respondent had failed to pay rent which fell due on 5 September and 5 October 2018 and that the Applicant would not seek an additional sum by way of interest.

### **Findings in Fact**

- The rent due by the Respondent is £860 per month.
- There are arrears of rent amounting to £4,300.

### **Reasons for Decision**

In terms of Regulation 17(4) of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, 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 evidence that it required to make a decision and that it would do so without a hearing.

In the absence of any written or oral representations by the Respondent, the Tribunal accepted the amendment to the application which increased the amount sought from £2,580 to £4,300.

The Tribunal was satisfied that the amount sought was lawfully due from the Respondent.

### **Decision**

The Tribunal decided to grant the application without a hearing and to make an Order for payment by the Respondent to the Applicant of the sum of £4,300.

### **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

**Legal Member/Chair**

12 October 2018  
**Date**