



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

**Chamber Ref: FTS/HPC/CV/21/2603**

**Re: Property at 10/4 Blackchapel Close, Edinburgh, EH15 3SJ (“the Property”)**

**Parties:**

**Mr Derek Innes and Ms Karen Gray, 23 Broomlea, Kelso, Scottish Borders, TD5 7RB; 43 Broomlea, Kelso, Scottish Borders, TD5 7RB (“the Applicant”)**

**Miss Rachel Duncan, whose previous address was 10/4 Blackchapel Close, Edinburgh, EH15 3SJ and whose current whereabouts are unknown (“the Respondent”)**

**Tribunal Members:**

**Shirley Evans (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment against the Respondents in favour of the Applicant in the sum of ONE THOUSAND SIX HUNDRED AND FORTY SEVEN POUNDS AND FORTY SEVEN PENCE (£1647.47) STERLING. The order for payment will be issued to the Applicant after the expiry of 30 days mentioned below in the right of appeal section unless an application for recall, review or permission to appeal is lodged with the Tribunal by the Respondent.**

**Background**

- 1. This is an action for recovery of rent arrears raised in terms of Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”).**
- 2. The application was accompanied by a copy of a Short Assured Tenancy Agreement between the parties dated 29 and 30 April 2017 and correspondence to the Respondent setting out the arrears.**

3. On 7 December 2021 the Tribunal accepted the application under Rule 9 of the Regulations.
4. The Applicant was unable to confirm the current whereabouts of the Respondent. Accordingly the Application was served on the Respondent by way of advertisement in terms of Rule 6A of the Regulations. A copy of the Execution of Service was received by the Tribunal.

### **Case Management Discussion**

5. The Tribunal proceeded with a Case Management Discussion ("CMD") on 4 March 2022 by way of teleconference. The Applicant was represented by Mr Buxton from Prudent Property Management (Scotland) Ltd. There was no appearance by or on behalf of the Respondent despite the teleconference starting 10 minutes late to allow the Respondent plenty of time to join. The Tribunal was satisfied the Respondent had received notice under Rule 24 of the Regulations and accordingly proceeded with the CMD in her absence.
6. The Tribunal had before it the Short Assured Tenancy Agreement between the parties dated 29 and 30 March 2017 and email correspondence to the Respondent.
7. Mr Buxton moved the Tribunal to grant an Order for payment for £1647.47. He explained that when the tenancy had terminated in October 2020 the arrears were £2342.47. The Applicant's agent had emailed the Respondent seeking payment of that sum and setting out how that sum was made up. Mr Buxton explained that the tenancy deposit of £695 was applied towards the arrears. In terms of Clause 3 of the tenancy agreement the monthly rent was £695. The Respondent had not engaged with them. The Tribunal noted the terms of the tenancy agreement and emails lodged,

### **Findings in Fact**

8. The Applicant and the Respondent agreed by way of Clause 3 of a Short Assured Tenancy Agreement dated 29 and 30 March 2017 in relation to the Property that the Respondent would pay the Applicant a monthly rent of £695.
9. The Respondent fell into arrears of rent. The tenancy terminated in October 2020. The arrears were £ 2342.47. The Applicant's agent made efforts to obtain payment of the arrears from the Respondent. The Respondent has ignored the Applicant's agents' correspondence. The tenancy deposit of £695 was applied towards the arrears. The arrears are £1647.47

### **Reasons for Decision**

10. The Tribunal considered the issues set out in the application together with the documents lodged in support. Further the Tribunal considered the submissions made by Mr Buxton.

11. The Tribunal noted the content of the emails to the Respondent which set out how the arrears had arisen and showed the total arrears to the date of termination as being £2342.47. The Applicant's representative had produced evidence of persistent non-payment of rent with reference to the tenancy agreement and correspondence with the Respondent. The Respondent had not disputed the application. She had ignored all attempts to engage. The Tribunal was satisfied on the basis of these documents, together with Mr Buxton's submissions that the order for payment in favour of the Applicant be granted.

### **Decision**

12. The Tribunal granted an order for payment of £1647.47.

### **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.

S. E

4 March 2022

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Legal Member

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Date