



**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/20/1599**

**Re: Property at 58 Woodmarket, Kelso, Roxburghshire, TD5 7AX (“the  
Property”)**

**Parties:**

**Mr Andrew Thomson, Mrs Pamela Thomson, Quarry Bank, Hume, Kelso, TD5  
7TR (“the Applicant”)**

**Mrs Patricia Stuart, 58 Woodmarket, Kelso, Roxburghshire, TD5 7AX (“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, accepted an amendment to the application to increase the amount  
sought, and made an Order for Payment by the Respondent to the Applicant of  
the sum of £2,750.**

**Background**

By application, received by the Tribunal on 29 July 2020, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £1,300.

The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties commencing on 1 June 2019 at a monthly rent of £350 and a Rent Statement showing arrears as at the date of application of £1,300, the last payment having been £100 on 6 May 2020.

Subsequent to the application, the Applicant provided updated Rent Statements showing arrears of £2,400 at 19 October 2020 and £2,750 at 3 November 2020. The Respondent had paid £300 in September 2020. On 5 November 2020, the Applicant sought leave to amend the application to increase the amount sought to £2,750.

On 12 October 2020, the Tribunal advised the Parties of the date and time of a Case Management Discussion and the Respondent was invited to make written representations by 2 November. The Respondent did not make any written representations to the Tribunal.

### **Case Management Discussion**

A Case Management Discussion was held by means of a telephone conference call on the afternoon of 13 November 2020. The Applicant participated in the call. The Respondent did not participate and was not represented. The Applicant asked the Tribunal to accept the amendment to increase the sum sought to £2,750 and 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 content to accept the amendment to the application requested by the Applicant on 5 November 2020 and was satisfied that the amended amount sought had become lawfully due by the Respondent to the Applicant.

### **Decision**

The Tribunal determined that the application should be decided without a Hearing, accepted an amendment to the application to increase the amount sought, and made an Order for Payment by the Respondent to the Applicant of the sum of £2,750.

### **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

13/11/2020

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**Legal Member/Chair**

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**Date**