



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)**

**Chamber Ref: FTS/HPC/CV/19/3753**

**Re: Property at 198B Church Street, Tranent, East Lothian, EH33 1BL (“the Property”)**

**Parties:**

**Ms Gabriella Noonan, 14 Wilson Avenue, East Lothian, EH32 9PD (“the Applicant”) per her agents Arden Property Management LLP, 43, Morningside Road, Edinburgh, EH10 4DR (“the Applicant’s Agent”)**

**Mr Terry McQueen and Ms Megan Main, 198B Church Street, Tranent, East Lothian, EH33 1BL (“the Respondent”)**

**Tribunal Members:**

**Karen Moore (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order for Payment of ONE THOUSAND NINE HUNDRED AND THIRTY SIX POUNDS AND SIXTY PENCE (£1,936.60)**

**Background**

1. By application received between 22 November 2019 and 6 December 2019 comprising an application form, copy Private Residential Tenancy and copy statement showing rent due and owing by the Respondents to the Applicant of £1,836.60 and stating that payment plans had not been obtempered by the Respondents (“the Application”). On 13 December 2019, a legal –member of the Tribunal with delegated powers to do so, accepted the Application in terms of Rule 9 of the Rules and a Case Management Discussion (“CMD”) was fixed for 31 January 2020 at Riverside House, Edinburgh. The CMD was intimated to the Parties.

## **CMD**

2. The CMD took place on 31 January 2020 at Riverside House, Edinburgh. The Applicant was not present and was represented by Ms. C. Smith and Mr. M. Brown of the Applicant's Agents. Neither Respondent was present and neither had submitted written representations.
3. Mr. Brown advised the Tribunal that the sum sought is now £1,936.60, a further rental payments of £1,000.00 having fallen due and amended the Application to this extent. He explained that the Respondents were aware of the increase in the sum due and that they remained in the Property as tenants.

## **Findings in Fact**

4. From the Application, there being no evidence to the contrary, the Tribunal accepted that there is a Private Residential Tenancy between the Parties, that rent due and owing by the Respondents to the Applicant amounted to £1,836.60 and that payment plans had not been obtempered by the Respondents. From the Hearing, the Tribunal found that a further £1,000.00 is due and that the Respondents are aware of this.

## **Decision and Reasons for Decision**

5. Having found that the sum of £1,936.60 in rent is due and owing by the Respondents to the Applicant and having regard to Rule 17 of the Rules which allows that the Tribunal may do anything at a CMD which it may do at a hearing, including making a decision, the Tribunal made an Order for Payment of £1,936.60.

## **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.**

**Karen Moore**

**Legal Member/Chair**

*31 January 2020*

**Date**