



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 2016 Act”)

Chamber Ref: FTS/HPC/CV/23/2126

Re: Property at 18/2 Captains Drive, Edinburgh, EH16 6QW (“the Property”)

Parties:

Mrs Janice Blackley, 88 Fords Road, Edinburgh, EH11 3HT (“the Applicant”)

Miss Louise Solway, 18/2 Captains Drive, Edinburgh, EH16 6QW (“the Respondent”)

Tribunal Members:

Alastair Houston (Legal Member) and Ann Moore (Ordinary 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 £17,500.00 be made in favour of the Applicant.

1. Background

- 1.1 This is an application under Rule 111 of the Chamber Rules whereby the Applicant seeks an order for payment of rent allegedly unpaid by the Respondent. The application was accompanied by, among other things, a copy of the written tenancy agreement between the parties and a rent statement.
- 1.2 No written representations had been received from the Respondent. The application had been submitted with a linked application for an eviction order (reference FTS/HPC/EV/23/2123).

2. The Case Management Discussion

- 2.1 The Case Management Discussion took place on 9 November 2023 by teleconference. The Applicant attended personally and was not represented. The Respondent was neither present nor represented.
- 2.2 The Applicant confirmed that she wished to proceed with the present and linked application. The Tribunal noted that intimation of the Case Management Discussion had been given to the Respondent and considered it appropriate to proceed in her absence, as permitted by Rule 29 of the Chamber Rules.
- 2.3 The Tribunal confirmed with the Applicant that she was not to be represented. Although correspondence had previously been received from Clarity Simplicity solicitors on her behalf, they were no longer acting for her.
- 2.4 The Applicant confirmed that the rent outstanding, at the time of the application, was as per the rent statement and amounted to £17,500.00. The Respondent continued to reside at the property and the rent arrears had increased to £21,500.00.

3. Reasons For Decision

- 3.1 The rent due by the Respondent under the private residential tenancy agreement is £750.00 per month. As per the rent statement lodged, as at 1 June 2023 the Respondent was in arrears of £17,500.00.
- 3.2 In the absence of any representations from the Respondent as to why this sum would not be lawfully due, the Tribunal made the order for payment in favour of the Applicant.

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.

A Houston

9 November 2023

Legal Member/Chair

Date