

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)**

Chamber Ref: FTS/HPC/CV/23/3314

**Re: Property at Flat 6 (2F2) 55 Home Street, Tollcross, Edinburgh, EH3 9JP
("the Property")**

Parties:

**Mrs Yuk Mei Cham, 75 Gogarloch Haugh, Edinburgh, EH12 9JG ("the
Applicant")**

Mr John Kelly, UNKNOWN, UNKNOWN, UNKNOWN ("the Respondent")

Tribunal Members:

Virgil Crawford (Legal Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the
Tribunal") determined that**

BACKGROUND

1. By lease dated 4th February 2022 the Applicant let the Property to respondent.
2. The rent payable was £725.00 per calendar month.
3. In terms of date of the lease, interest is payable at the rate of 8% per year from the date rent is due until payment.
4. The Respondent fell in to arrears of rent. As at the date of the application to the tribunal arrears of rent amounted to £4,475.22.

THE CASE MANAGEMENT DISCUSSION

5. A Case Management Discussion was assigned to be conducted by teleconference at 11:30am on 18th December 2023. The Applicant was represented by Mr D Gray of Messrs Gilson Gray, Solicitors. The Respondent did not participate in the Case Management Discussion. The address of the

Respondent is not known. As a result, the Tribunal advertised the proceedings on the Tribunal website. The Tribunal was in receipt of a Certificate of Advertisement confirming that the Respondent had been given lawful notice of the proceedings. In the circumstances the Tribunal was satisfied, in terms of Rule 24 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 that the Respondent had received intimation of the date and time of the Case Management Discussion and considered that it was appropriate to proceed with the Case Management Discussion in the absence of the Respondent in accordance with Rule 29 of said Rules;

6. Mr Gray moved the tribunal to grant a payment order in the sum £4,475.22 with interest thereon at the rate of 8% per annum. In the absence of opposition, and having regard to the decision of the Upper Tribunal in the case of *Woro v Brown* 2022 UT 28, the Tribunal granted a payment order in the terms requested.

DECISION

The Tribunal granted an order against the Respondent for payment of the sum of FOUR THOUSAND FOUR HUNDRED AND SEVENTY FIVE POUNDS AND TWENTY TWO PENCE (£4,475.22) STERLING to 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.

Virgil Crawford

18 December 2023

Legal Member/Chair

Date