



**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/23/4555

**Re: Property at Swallow Cottage, Broomilees Road, Melrose, TD6 9BE (“the
Property”)**

Parties:

**Mr Laing Robson and Mrs Sophie Robson, Villa L76, District 7, Jumeirah Park,
Dubai, United Arab Emirates; Villa L76, District 7, Jumeirah Park, Dubai (“the
Applicants”)**

**Ms Alexandra Neil, Swallow Cottage, Broomilees Road, Melrose, TD6 9BE (“the
Respondent”)**

Tribunal Members:

Shirley Evans (Legal Member) and Helen Barclay (Ordinary Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined to make an order for payment against the Respondent in
favour of the Applicants in the sum of FIVE THOUSAND THREE HUNDRED
AND FORTY SIX POUNDS (£5346.00) STERLING. The order for payment will be
issued to the Applicants 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 dated 12 February 2012 with a signed AT5, a letter to the Respondent dated 20 January 2022, a Notice to Quit and Section 33 Notice dated 14 September 2023 together with Sheriff Officer’s Execution of Service dated 15 September

2023, a rent statement, a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003 and an email to Scottish Borders Council dated 18 December 2023.

3. On 13 March 2024, the Tribunal enclosed a copy of the application and advised parties that a Case Management Discussion (“CMD”) under Rule 17 of the Regulations would proceed on 22 April 2024. The Respondent required to lodge written submissions by 3 April 2024. This paperwork was served on the Respondent by Ellie McConnachie, Sheriff Officer, Edinburgh on 15 March 2024 and the Execution of Service was received by the Tribunal administration.
4. On 5 April 2024 the Applicants’ solicitor sent the Tribunal an application to amend the arrears to £5346 with an up to date rent statement. The Respondent was copied in on this email.

Case Management Discussion

5. The Tribunal proceeded with the CMD on 22 April 2024 by way of teleconference. The Applicants was represented by Ms Grosvenor from Harper MacLeod, Solicitors. There was no appearance by or on behalf of the Respondent despite the teleconference starting 5 minutes late. The Tribunal was satisfied the Respondent had received notice under Rule 24 of the Regulations and accordingly proceeded with the CMD in her absence. The case was heard with an application for arrears under reference FTS/HPC/EV/23/4554.
6. The Tribunal had before it the Short Assured tenancy dated 12 February 2012 with a signed AT5, the letter to the Respondent dated 20 January 2022, the Notice to Quit and Section 33 Notice dated 14 September 2023 together with Sheriff Officer’s Execution of Service dated 15 September 2023, an up to date rent statement to April 2024, a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003 and an email to Scottish Borders Council dated 18 December 2023. The Tribunal noted the terms of these documents.
7. The Tribunal noted the terms of the application to increase the arrears to £5346 and that this had been intimated on the Respondent. Ms Grosvenor submitted arrears were increasing over the last year since April 2023 with the last payment of £318 on 1 October 2023 as shown on the rent statement. The Applicants had heard nothing from the Respondent. No contact had been made to clear the arrears. She submitted the monthly rent was now £600. The Tribunal noted the rent statement showing arrears to April 2024 of £5364, that the last payment to account was £318 on 1 October 2023 and rent was £600 per month.

Findings in Fact

8. The Applicants entered into a Short Assured Tenancy Agreement with the Respondent dated 12 February 2012 commencing on 16 March 2012.
9. In terms of the Short Assured Tenancy Agreement the Respondent agreed to pay rent of £500 per month. The rent has increased to £600 per month.
10. The Respondent started to accrue arrears from April 2023. The Respondent has been in arrears of rent ever since. The last payment to rent was of £318 on 1 October 2023. The Respondent is in arrears of £5346.

Reasons for Decision

11. 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 Ms Grosvenor.
12. The Tribunal considered the Applicants' application to increase the sum of the arrears to £5346. The Tribunal allowed the amendment noting that the Respondent had had proper intimation of the application to increase the sum and had not disputed the level of arrears.
13. The Tribunal noted terms of the tenancy agreement and the rent statement lodged which set out how the arrears had arisen and showed the total arrears to April 2024 of £5346. Nothing had been paid by the Respondent since 1 October 2023. The Applicants had produced evidence of persistent non-payment of rent. The Tribunal was satisfied on the basis of the documents lodged, together with Ms Grosvenor's submissions that the order for payment in favour of the Applicants be granted for the increased sum of £5346.

Decision

14. The Tribunal granted an order for payment of £5346. The decision of the Tribunal was unanimous.

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.



22 April 2024

Legal Member

Date