



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 70 of the Private Housing (Tenancies)(Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/23/2421**

**Re: Property at 13/8 Piershill Terrace, Willowbrae, Edinburgh, EH8 7EY (“the Property”)**

**Parties:**

**Ms Carol Waugh, Tala Hills 1 Block B Apartment 403B, Miltiadi Stylianov Leoforos, Cyprus, 8577 Paphos (“the Applicant”)**

**Ms Jacqueline Cogan, 13/8 Piershill Terrace, Willowbrae, Edinburgh, EH8 7EY (“the Respondent”)**

**Tribunal Members:**

**Alison Kelly (Legal Member) and Jane Heppenstall (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 should be made.**

**Background**

1. On 20<sup>th</sup> July 2023 the Applicant’s Agent lodged an Application with the Tribunal under Rule 111 of the First Tier Tribunal for Scotland (Housing and Property Chamber Rules of Procedure) 2017 (“The Rules”), seeking an order for payment of rent arrears.
2. Lodged with the application were: -
  - i. Copy Private Residential Tenancy Agreement showing a commencement date of 2<sup>nd</sup> October 2020 and an initial rent of £750 per month;
  - ii. Rent Statement.

3. The Application was served on the Respondent by Sheriff Officers on 29<sup>th</sup> November 2023.
4. The Applicant's agent lodged a rent statement with the Tribunal on 26<sup>th</sup> January 2024, shortly prior to the Case Management Discussion taking place.

### **Case Management Discussion**

5. The Case Management Discussion ("CMD") took place by teleconference. The Applicant was represented by Miss Young of the letting agent, DJ Alexander. There was no attendance by the Respondent or any representative on her behalf.
6. The Chairperson explained the purposes of a CMD in terms of Rule 17 of the Rules. The case was linked to case EV/23/2420. The CMD in that case was continued and it was decided to continue this case to the same date. Miss Young wished to lodge a request under Rule 14A to amend the sum sought.

### **Subsequent to CMD**

7. On 3<sup>rd</sup> May 2024 the Applicant's representative lodged a rent statement showing that the current arrears are £13,013, to amend the sum sought.

### **Continued CMD**

8. The Continued CMD took place by teleconference. The Applicant was represented by Miss Young of the letting agent, DJ Alexander. There was no attendance by the Respondent or any representative on her behalf.
9. Miss Young moved for a payment order in the amount of £13,013, being the sum brought out on the up to date rent statement.

### **Findings in Fact**

1. The parties entered in to a tenancy agreement for rent of the property;
2. The monthly rent was £750;
3. On 17<sup>th</sup> May 2024 the rent arrears owed were £13,013.

### **Reasons for Decision**

The Respondent owes rent to the Applicant as at 17<sup>th</sup> May 2024 in the amount of £13,013.

## **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.**

Alison Kelly

**17/05/2024**

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**Legal Member/Chair**

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**Date**