



**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/24/0318**

**Re: Property at 55 Westbank Road, Macmerry, East Lothian, EH33 1PL (“the  
Property”)**

**Parties:**

**LAR Housing Trust, F3 Buchan House, Carnegie Campus, Enterprise Way,  
Dunfermline, KY11 8PL (“the Applicant”)**

**Alexander Marr, 19 West Crescent, Pencaitland, Tranent, EH34 5EF (“the  
Respondent”)**

**Tribunal Members:**

**Joel Conn (Legal Member)**

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

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

1. This is an application by the Applicant for civil proceedings in relation to an assured tenancy in terms of rule 70 of the *First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017* as amended (“the Rules”), namely an order for payment of rent arrears. The tenancy in question was an Assured Tenancy (said to be a Short Assured Tenancy) of the Property by the Applicant to the Respondent dated 2 June 2017.
2. The application was dated 18 January 2024 and lodged with the Tribunal that day. The application sought an order for £1,824.94. The said arrears were said to have developed from an early period in the Tenancy, though it materially increased from April 2018 onwards, all through irregular and wholly missed payments. The Tenancy was said to have concluded on 2 September 2024. The passing rent in the Tenancy Agreement was £630 per month but letters

showing apparently valid notifications of increased rent were also lodged, with the passing rent at the end of the Tenancy being £653. A rent statement showed that the arrears at conclusion of the Tenancy stood at £2,454.94 against which a deposit of £630 was uplifted and applied, reducing the rent arrears to £1,824.94. The rent statement showed that no payments by the Respondent himself had been received since 12 June 2019.

## **The Hearing**

3. On 4 June 2024 at 14:00, at a case management discussion (“CMD”) of the First-tier Tribunal for Scotland Housing and Property Chamber, sitting remotely by telephone conference call, I was addressed by the Applicant’s Senior Property Manager, Nicola Maxwell, acting as agent for the Applicant.
4. There was no appearance by the Respondent. The Applicant’s agent stated that no proposal or payment had been received from the Respondent against the arrears since the end of the Tenancy (and so nothing further had been received since the raising of the application).
5. The clerk confirmed there was no contact from the Respondent, and I was provided with Certificate of Intimation by the Sheriff Officer instructed by the Tribunal, showing intimation of the application papers and notification of the CMD on the Applicant on 23 April 2024. In the circumstances, having waited until 14:05 to start to CMD, I was satisfied to proceed in the absence of the Respondent. (There was no attempt by the Respondent to dial in, or anyone on his behalf to dial in, by the conclusion of the CMD.)
6. The Applicant’s agent confirmed that the application for payment was still insisted upon in the amount of £1,824.94. No order for interest or expenses was sought.

## **Findings in Fact**

7. On 2 June 2017, the Applicant let the Property to the Respondent by lease with a start date of 2 June to 1 December 2018, to continue thereafter “on a monthly basis” (“the Tenancy”).
8. Under the Tenancy, the Respondent was to make payment of £630 per month in rent in advance.

9. The Applicant validly increased the monthly rent on 13 February 2018 to £642.60 per month; and again on 25 January 2019 to £653 per month.
10. The Tenancy concluded on or about 2 September 2019.
11. As of 2 September 2019, there was unpaid rent of £2,454.94 due by the Respondent to the Applicant in terms of the Tenancy, having arisen through shortfalls in payment, and wholly missed payments, accumulating over a number of months.
12. On 11 November 2019, the Applicant uplifted a deposit held from the Respondent of £630 and applied it against the arrears balance, reducing the arrears to £1,824.94.
13. On or about 18 January 2024, the Applicant raised proceedings for an order for outstanding rent due to conclusion of the Tenancy in the sum of £1,824.94.
14. The balance of rent due by the Respondent to the Applicant as at 4 June 2024 remains £1,824.94.
15. The Respondent has received intimation of the CMD through intimation by Sheriff Officer on 23 April 2024.
16. The Respondent has provided no evidence of payment of any part of the said unpaid rent due to 4 June 2024 of £1,824.94.

### **Reasons for Decision**

17. The application was in terms of rule 70, being an order for civil proceedings in relation to assured tenancies. I was satisfied, on the basis of the application and supporting papers, that rent arrears of £1,824.94 remained outstanding for the period to conclusion of the Tenancy and were thus outstanding at the date of the CMD.
18. In all the circumstances, I was thus satisfied that the necessary level of evidence for such civil proceedings on the sum of £1,824.94 had been provided and no defence or dispute was made by the Respondent against this figure.

19. The Rules allow at rule 17(4) for a decision to be made at CMD as at a hearing before a full panel of the Tribunal and I was satisfied to make a decision at the CMD to award the sum of £1,824.94 against the Respondent.
20. I noted that this sum related to rent due to conclusion of the Tenancy and no other claim under the lease against the Respondent.

### **Decision**

21. In all the circumstances, I was satisfied to make the decision to grant an order against the Respondent for payment of the sum of £1,824.94 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.**

J. Conn

4 June 2024

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**Legal Member/Chair**

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**Date**