



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

Chamber Ref: FTS/HPC/CV/23/3778

Re: Property at 6 Flat 26 Sailmaker Road, Edinburgh, EH6 7GB (“the Property”)

Parties:

C-urb 6 Ltd, Formerly Link Housing Association Ltd, Link House, 2c New Mart Road, Edinburgh, EH14 1RL (“the Applicant”)

Ms Chiara Foulner, 6 Flat 26 Sailmaker Road, Edinburgh, EH6 7GB (“the Respondent”)

Tribunal Members:

Graham Harding (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 the Applicant was entitled to an order for payment by the Respondent to the Applicant in the sum of £10494.92.

Background

1. By application dated 26 October 2023 the Applicant’s representatives, Harper Macleod LLP, Solicitors, Glasgow applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondents’ tenancy of the property. The Applicant’s representatives submitted a copy of the tenancy agreement together with a rent statement and other documents in support of the application.
2. By Notice of Acceptance dated 28 December 2023 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.

3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 13 February 2024.
4. By email dated 25 March 2024 the Applicant's representative submitted a further rent statement showing the rent due as at March 2024 to be £8258.29.
5. A CMD was held by teleconference on 26 March 2024. Mr Andrew Moodie and Ms Laurie Watterson attended from the Applicant who was represented by Ms Sheryl Dempster from the Applicant's representatives. The Respondent did not attend nor was she represented. The Tribunal being satisfied that proper intimation had been given to the Respondent determined to proceed in her absence.
6. Ms Dempster advised the Tribunal that the rent arrears currently amounted to £8258.29. She accepted that the sum claimed had not been amended in accordance with the Tribunal rules and that in the circumstances the Tribunal could only award the sum previously claimed namely £6147.91 but as the Tribunal intended to continue the conjoined application under reference FTS/HPC/EV/23/3777 to a further CMD Ms Dempster agreed that it would be appropriate to continue the application to the same date and she could then submit an application to amend the sum claimed.
7. By emails dated 12, 22 and 24 July 2024 the Applicant's representatives applied to the Tribunal to amend the sum claimed to £10494.92.

The Case Management Discussion

8. A CMD was held by teleconference on 2 August 2024. Mr Andrew Moodie and Ms Laurie Watterson attended from the Applicant who was represented by Ms Sheryl Dempster from the Applicant's representatives. The Respondent did not attend nor was she represented. The Tribunal being satisfied that proper intimation had been given to the Respondent determined to proceed in her absence
9. Ms Dempster advised the Tribunal that the current amount of rent due by the Respondent amounted to £11112.75 but that she was asking the Tribunal to grant an order for payment in the amended sum of £10494.92.
10. The Tribunal allowed the application to be amended and noted that the Respondent had not submitted any written representations taking issue with the sum claimed.

Findings in Fact

11. The Respondent owed rent of £10494.92 as at 1 July 2024 and this amount was still outstanding at the date of the CMD.

Reasons for Decision

12. The Tribunal was satisfied from the written representations and documents submitted by the Applicant's representatives together with the oral submissions that the Applicant was entitled to an order for payment by the Respondent in the sum of £10494.92.

Decision

13. The Tribunal finds the applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £10494.92.

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.

**Graham Harding
Legal Member/Chair**

**2 August 2024
Date**