



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/24/2741**

**Re: Property at 60 Steele Avenue, Midlothian, EH22 5LR (“the Property”)**

**Parties:**

**Mr Malcolm Lang, 21 Kintrae Crescent, Elgin, Moray, IV30 5NB (“the Applicant”)**

**Miss Katie McLeish, Mr Cameron Calder, 60 Steele Avenue, Mayfield, EH22 5LR (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order for payment against the Respondents in favour of the Applicant in the sum of £7,863.53.**

**Background**

1. The Applicant submitted an application under Rule 111 of the Housing & Property Chamber Procedure Regulations 2017 (“the Rules”). The Applicant sought an order for payment in respect of rent arrears said to have been incurred by the Respondents.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 22 July 2024 informing both parties that a CMD had been assigned for 22 August 2024 at 2pm, which was to take place by conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make

a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondents were invited to make written representations by 12 August 2024. No written representations were received by the Tribunal.

4. On 15 August 2024, the Tribunal received an email from the Applicant's representative, who sought to amend the sum sought to £7,863.53. An updated rent statement was attached to the email. A copy of the email was sent to the Respondents.

#### **The case management discussion – 22 August 2024**

5. The CMD took place by conference call. The Applicant was represented by Mr Lee Simpson. The Respondents joined the call and represented themselves. The Tribunal explained the purpose of the CMD. The Respondents recognised that an order for payment of £2,076 has already been granted and they accepted that they owe additional rent arrears of £7,863.53. The Respondents have been taking advice from the Citizens Advice Bureau in relation to the debt owed by them, but they do not have any proposals to pay at present. The Applicant's representative moved to amend the sum sought to £7,863.53 and sought an order for payment in that sum.

#### **Findings in Fact**

6. The parties entered into a private residential tenancy which commenced 11 June 2021.
7. The initial contractual monthly rent was £675, payable in advance.
8. The contractual monthly rent increased to £700 on 1 June 2022.
9. The Respondents owe rent arrears of £7,863.53.

#### **Reason for Decision**

10. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondents accepted that they owe additional rent arrears of £7,863.53. The updated rent statement disclosed substantial rent arrears due by the Respondents. The Tribunal was satisfied on the basis of the rent statement and the concession by the Respondents that the sum of £7,863.53 is due by them. The Tribunal therefore granted an order for payment in that sum.

#### **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.

# Nicola Irvine

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Legal Member/Chair

**22 August 2024**

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Date