



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 70(1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/24/0650**

**Re: Property at 6/5 Couper Street, Edinburgh, EH6 6HH (“the Property”)**

**Parties:**

**Mrs Ruth Walker, 35/12 Ocean Drive, Edinburgh, EH6 6JL (“the Applicant”)**

**Mr Scott Black, Paige Wood, 6/5 Couper Street, Edinburgh, EH6 6HH (“the Respondent”)**

**Tribunal Members:**

**Ruth O'Hare (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment in the sum of Two thousand one hundred and fifty five pounds (£2,155.00) Sterling against the Respondents in favour of the Applicant**

**Background**

- 1 By application to the Tribunal dated 9 February 2024 the Applicant sought a payment order against the Respondents under Rule 111 of The First-tier for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Procedure Rules”) in respect of unpaid rent arrears. In support of the application the Applicant provided a copy of the private residential tenancy agreement between the parties dated 29 March 2018 and a rent statement.
- 2 By Notice of Acceptance of Application dated 9 May 2024 a Legal Member of the Tribunal with delegated powers from the Chamber President intimated that there were no grounds to reject the application. A Case Management Discussion was assigned for 20 September 2024 and the application paperwork was served upon the Respondents by Sheriff Officers together with notification of the date and time of the Case Management Discussion (“CMD”).

## **The Case Management Discussion**

- 3 The CMD took place on 20 September 2024 by teleconference. The Applicant was represented by Ms Lauren Mill. The Respondents were not in attendance. The Tribunal noted that they had been given notification of the Case Management Discussion under Rule 17(2) of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 as amended and therefore determined to proceed in their absence.
- 4 Ms Mill confirmed that the Applicant sought a payment order in the sum of £2155. In response to questions from the Tribunal she confirmed that the tenancy had ended on 11 March 2024, at which point the arrears stood at £2367.58, however the Applicant had not sought to amend the amount claimed in the application.

## **Findings in Fact**

- 5 The Applicant and the Respondents entered into a tenancy agreement which commenced on 30<sup>th</sup> March 2018.
- 6 In terms of Clause 8 of the said tenancy agreement the Respondents undertook to pay rent at the rate of £695 per month.
- 7 The tenancy between the parties terminated on 11 March 2024.
- 8 As at 31 January 2024 rent arrears in the sum of £2155 were outstanding.
- 9 Despite repeated requests the Respondents have refused or delayed to make payment of the sum due.

## **Reasons for Decision**

- 10 The Tribunal took into account the application paperwork and verbal submissions at the CMD and considered it had sufficient information upon which to make a decision on the application. There were no issues to be resolved that would require a hearing to be fixed. The Respondents had been given the opportunity to make written representations, and to attend the CMD, but had chosen not to do so.
- 11 The Tribunal was satisfied based on its findings in fact that the Respondent was liable to pay the Applicant the sum of £2,155 in respect of unpaid rent and in terms of the tenancy agreement between the parties. There was nothing before the Tribunal to contradict the evidence put forward by the Applicant in this regard. The Tribunal therefore made an order for payment in the sum of £2,155.

## **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.

# Ruth O'Hare

20 September 2024

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Legal Member/Chair

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Date