



**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/24/1589

Re: Property at 42 2F1 East Main Street, Broxburn, EH52 5AE (“the Property”)

Parties:

Aitchison and Jones Limited, 4 Lothian Street, Dalkeith, EH22 1DS (“the Applicant”)

Mr Paul Fegan, 42 2F1 East Main Street, Broxburn, EH52 5AE (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

Background

1. On 8th April 2024 the Applicant lodged an application under Rule 111 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) seeking payment of a sum of rent arrears.
2. Lodged with the Application were:
 - a. Rent Statement
3. On 2nd May 2024 the Tribunal sent an email to the Applicant’s agent confirming that the application form must specify the sum being claimed. The Applicant’s agent lodged a fresh application form but did not specify the sum being claimed. On 3rd June 2024 the Tribunal sent an email to the Applicant’s agent asking them to specify at part 5C of Form F the amount that the Applicant wished the Tribunal to order the Respondent to pay. On 3rd June 2024 the Applicant’s agent sent an email confirming that the current arrears were £4400. The agent did not submit an amended application form with the sum specified at part 5C.

4. The Application was served on the Respondent by Sheriff Officer on 21st September 2024.
5. On 8th October 2024 the Applicant's agent lodged an up-to-date rent statement showing the arrears to 9th September 2024 as £6600.
6. On 18th October 2024 the Applicant's agent lodged an up-to-date rent statement showing the arrears to 9th October 2024 as £7150.

Case Management Discussion

7. The Case Management Discussion ("CMD") took place by teleconference. The Applicant was represented by Miss Gray of Professional Property Letting Limited. There was no attendance by the Respondent or by any representative on his behalf.
8. The Chairperson confirmed the purposes of a CMD in terms of Rule 17 of the Rules.
9. Miss Gray asked that an order be granted for payment, in the amount of £7700. The tribunal were of the view that they could only grant an order for £6600 as this was the sum sought in the email of 8th October 2024, and any arrears after that did not fall within the amendment sought in terms of Rule 14A.

Findings in Fact

- i. The parties entered in to a tenancy agreement for rent of the property;
- ii. The monthly rent was £550;
- iii. At 8th October 2024 the rent arrears owed were £6600.

Reasons for Decision

The Respondent owes rent to the Applicant in the amount of £6600 as at 8th October 2024.

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 J Kelly

21 October 2024

Legal Member/Chair

Date