



**Decision 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/24/0785**

**Re: Property at 18 Ladysbridge House, Ladysbridge Drive, Banff, AB45 2LE (“the Property”)**

**Parties:**

**Mrs Audrey Steele-Chalmers, Thriepland, Boyndie, Banff, AB45 2LD (“the Applicant”)**

**Mr Dean Clark, Mr Reg Turley, 18 Ladysbridge House, Ladysbridge Drive, Banff, AB45 2LE; 18 Ladysbridge House, Ladysbridge Drive, Banff, AB45 2LE (“the Respondents”)**

**Tribunal Members:**

**Nairn Young (Legal Member) and Helen Barclay (Ordinary Member)**

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

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

- Background

This is an application for an order for payment of rent arrears alleged to be owed by the Respondents in terms of their private residential tenancy agreement with the Applicant. It called for a case management discussion (‘CMD’) at 10am on 28 October 2024, by teleconference. The Applicant was on the call in-person. The Respondents were not on the call and were not represented. The commencement of the CMD was delayed by 10 minutes, in case of any technical difficulty; but there remained no contact from them.

The Respondents failed to appear at a previous calling of the case, which proceeded in their absence. They were notified of this calling by the Tribunal administration by post. The Tribunal was satisfied that it was reasonable to proceed on the basis that the matter remained undefended.

- Findings in Fact

The following facts from the application were relied on by the Tribunal, as unopposed:

1. The Respondents occupy the Property in terms of a private residential tenancy, with a start date of 16 April 2023.
2. Rent of £700 is due on the sixteenth of each month, in terms of the tenancy agreement.
3. The Respondents did not pay rent on 16 October 2023 and have not paid any rent since.
4. As of 16 August 2024, the Respondents owed the Applicant £7,700 in unpaid rent.

- Reasons for Decision

5. This application was raised seeking the sum of £2,800. At the last calling of the case, a CMD, the Applicant indicated that she wished to amend the sum sought to the arrears existing at that time and that there was a further application (for eviction) which had not yet been accepted by the Tribunal. On that basis, the Tribunal adjourned the matter to a further CMD on this date, to allow the Applicant to apply to amend her application, drawing her attention to the terms of rule 14A of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017; and, further, indicated that this application should be conjoined with the application for eviction, if the latter were accepted. In August 2024, the Applicant submitted an updated rent

statement indicating that she wished this to be taken into consideration. That showed arrears outstanding of £7,700. On 16 October 2024, she submitted a further rent statement asking for it to be taken into consideration, this time showing arrears of £9,100.

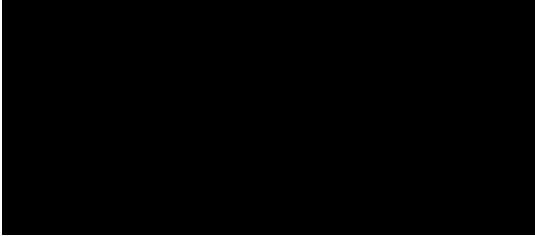
6. The Tribunal considered that, while it was possible for it to consider these communications as applications to amend the sum sought, in the case of the latter application, this did not give sufficient notice to the Respondents in terms of rule 14A for the application to be granted. The Tribunal did, however, grant the first application, to amend the sum sought to £7,700.
  7. The Applicant indicated that she would not wish the matter to be adjourned to a further CMD to allow the notice period to elapse in regard to the second application. This was therefore allowed to drop.
  8. Therefore, the sum sought, as amended, having been due as at 16 August 2024 and remaining outstanding, the Tribunal granted an order for payment in that amount.
- Decision

**Order made for payment by the Respondents to the Applicant of the sum of SEVEN THOUSAND, SEVEN HUNDRED POUNDS STERLING (£7,700).**

### **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.**



28 October 2024

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**Date**