



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 2024

Chamber Ref: FTS/HPC/CV/24/1266

Re: Property at 37 Broomhall Avenue, Edinburgh, EH12 7LY (“the Property”)

Parties:

Mr Christopher Sherry, 1 Causewayend, Linlithgow, West Lothian, EH49 6LW (“the Applicant”)

Mr Kris Ure, 12/8 Westfield Road, Gorgie, Edinburgh, EH11 2RJ (“the Respondent”)

Tribunal Members:

Gillian Buchanan (Legal Member)

Decision (in absence of the Respondent)

At the Case Management Discussion (“CMD”), which took place by telephone conference on 10 December 2024, the Applicant was not in attendance but was represented by Ms Alicia McAllister of iResolve. The Respondent was neither present nor represented and had lodged no written representations.

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) had been satisfied relative to the Respondent having received notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29.

Prior to the CMD the Tribunal had received from the Applicant’s representative an email dated 4 December 2024.

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

Background

The Tribunal noted the following background:-

- i. The Applicant leased the Property to the Respondent in terms of a Private Residential Tenancy Agreement (“the PRT”) that commenced on 1 July 2019.

- ii. The rent payable in terms of the PRT is £740 per calendar month.
- iii. The PRT required that the Respondent pay a deposit of £740.
- iv. The rent arrears sought in terms of the application are £12,720.

The CMD

At the CMD Ms McAllister for the Applicant made the following representations:-

- i. The Respondent removed from the Property in February 2024.
- ii. In a separate application an eviction order was granted by the Tribunal on 5 February 2024 on the basis that substantial rent arrears had accrued.
- iii. There has been no engagement from the Respondent.
- iv. The Applicant seeks a payment order.
- v. The Applicant also seeks to amend the Respondent's address to 12/8 Westfield Road, Gorgie, Edinburgh, EH11 2RJ. The Applicant saw the Respondent at that address.

Findings in Fact

The Tribunal makes the following findings in fact:-

- i. The Applicant leased the Property to the Respondent in terms of the PRT that commenced on 1 July 2019.
- v. The rent payable in terms of the PRT is £740 per calendar month.
- vi. The PRT required that the Respondent pay a deposit of £740.
- vii. The rent arrears sought in terms of the application are £12,720.
- viii. The Respondent removed from the Property in February 2024.
- ix. In a separate application an eviction order was granted by the Tribunal on 5 February 2024 on the basis that substantial rent arrears had accrued.
- x. There has been no engagement from the Respondent.

Reasons for Decision

The Respondent did not submit any representations to the Tribunal and did not attend the CMD. The factual background narrated by the Applicant within the application papers and orally by Ms McAllister at the CMD was not challenged and was accepted by the Tribunal.

The Applicant agreed to amend the Respondent's address as requested and thereafter granted a payment order in the sum of £12,720.

Decision

The Tribunal allowed the respondent's address to be amended to 12/8 Westfield Road, Gorgie, Edinburgh, EH11 2RJ and thereafter granted a payment order in favour of the Applicant in a sum of £12,720.

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.

10 December 2024

Date

**Gillian Buchanan
Legal Member/Chair**