



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/CV/23/4039

Re: Property at 3/3 Kimmerghame Drive, Edinburgh, EH4 2GJ (“the Property”)

Parties:

**Mr Nicholas Lumley, 50a The Common, Broughton Gifford, Wilts, Melksham,
SN12 8NA (“the Applicant”)**

**Mr Wasif Ahmed, Flat 3, 27 Telford Drive, Edinburgh, EH4 2NJ (“the
Respondent”)**

Tribunal Members:

George Clark (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the application should be decided without a Hearing
and made an Order for Payment by the Respondent to the Applicant of the sum
of £6,876.91.**

Background

1. By application, dated 14 November 2023, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £6,876.91.
2. The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties, commencing on 1 April 2022 at a monthly rent of £1,395, and a Rent Statement showing arrears as at 2 November 2023 of £6,876.91. The application stated that the Respondent had vacated the Property on 7 July 2023, and the Rent Statement showed rent arrears at that date were £8,371.91, but that the Applicant had since received the deposit of £1,495, reducing the arrears to the sum sought in the application.

3. At the date of the application, the whereabouts of the Respondent were unknown but, on 29 October 2024, UKtracing advised the Applicant that they had traced the Respondent to the address given in this Decision.
4. On 25 November 2024, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 16 December 2024. The case papers were served personally on the Respondent by sheriff officer on 26 November 2024. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

5. A Case Management Discussion was held by means of a telephone conference call on the afternoon of 14 January 2025. The Applicant was represented by Mrs Sharon Newbigging-Reid of Umega Lettings, Edinburgh. The Respondent was not present or represented.
6. The Applicant's representative told the Tribunal that no payment had been received since the date of the application.

Reasons for Decision

7. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.
8. The Tribunal was satisfied that the sum sought in the application had become lawfully due by the Respondent to the Applicant.

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.

George Clark

Legal Member/Chair

14 January 2025
Date