



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/24/0166

Re: Property at 12 Chesser Avenue, Slateford, Edinburgh, EH14 1ST (“the Property”)

Parties:

Mr David Ferguson, Netherton Farm, Harthill, ML7 5TT (“the Applicant”)

Ms Sarah Walters, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Member:

Ms H Forbes (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in favour of the Applicant in the sum of £5,887.40.

Backgrounds

1. This is a Rule 111 application made on 12th January 2024. The Applicant was seeking an order for payment. The Applicant representative lodged a copy of the private residential tenancy agreement between the parties which commenced on 1st July 2019, a rent statement showing arrears in the sum of £3800, and correspondence between the parties.
2. Service of the application and notification of a Case Management Discussion was made upon the Respondent by Sheriff Officer on 3rd June 2024.
3. By email dated 1st July 2024, the Applicant representative lodged an application to amend the sum sought together with an updated rent statement showing arrears in the sum of £5700.
4. A Case Management Discussion (“CMD”) took place by telephone conference on 4th July 2024. The Applicant was represented by Mr Martin Urquhart and Ms Leanne Young, DJ Alexander. The Respondent was not in attendance. The

CMD was continued to allow an application to be made in accordance with the Procedural Rules to increase the sum sought.

5. A Case Management Discussion (“CMD”) took place by telephone conference on 14th October 2024. The Applicant was represented by Ms Leanne Young, DJ Alexander. The Respondent was not in attendance.
6. Ms Young informed the Tribunal that the Respondent was evicted from the Property on 6th September 2024. The Tribunal noted that notification of the CMD was made upon the Respondent by letter dated 17th September 2024. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had not been satisfied, and it was not appropriate to proceed with the application in the absence of the Respondent.
7. The CMD was continued to allow the Applicant representative to notify the Tribunal of the Respondent’s address, as a matter of urgency; and to allow the Applicant representative to intimate to the Respondent and the Tribunal their application to amend the sum sought to £5887.40 no later than 14 days before the date set down for the next CMD.
8. An email with an application to amend the sum sought to £5887.40 dated 11th October, which had been copied to the Respondent, was passed to the Tribunal on 15th October 2024.
9. By email dated 11th December 2024, the Applicant representative made an application for Service by Advertisement, as no address was available for the Respondent.
10. Email notification of service by advertisement was made upon the Respondent, and service by advertisement was advertised on the Housing and Property Chamber website from 13th January to 12th February 2025.

The Case Management Discussion

11. A CMD took place by telephone conference on 12th February 2025. Mr Urquhart was in attendance on behalf of the Applicant. The Respondent was not in attendance.
12. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondent.
13. Mr Urquhart said there had been no recent correspondence from, or contact with, the Respondent.
14. Mr Urquhart asked the Tribunal to grant an order for payment in the sum of £5887.40.

Findings in Fact and Law

- 15.
- (i) Parties entered into a private residential tenancy agreement in respect of the Property which commenced on 1st July 2019 with monthly rent due in the sum of £950.
 - (ii) The tenancy ended on 6th September 2024.
 - (iii) Rent lawfully due has not been paid by the Respondent to the Applicant.
 - (iv) The Applicant is entitled to recover rent lawfully due.

Reasons for Decision

16. Rent lawfully due is outstanding. The Applicant is entitled to recover rent lawfully due. The Tribunal is satisfied that the application to amend the sum sought should be granted.

Decision

17. An order for payment is granted in favour of the Applicant in the sum of £5887.40.

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.

H Forbes

Legal Member

12th February 2025
Date