

**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/24/3530

Re: Property at 20 Glenturret Place, Perth, PH1 3FP (“the Property”)

Parties:

**Elizabeth Bell, 26 Edinburgh Road, Perth, PH1 2EP; and Barbara Bissett, 131
Allison Crescent, Perth, PH1 2UP (“the Applicants”)**

Amanda Fallon, 20 Glenturret Place, Perth, PH1 3FP (“the Respondent”)

Tribunal Members:

Joel Conn (Legal Member) and Mary Lyden (Ordinary Member)

Decision (in absence of the Respondent)

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

1. This is an application by the Applicants for civil proceedings in relation to an assured tenancy in terms of rule 70 of the *First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017* as amended (“the Rules”), namely an order for payment of rent arrears. The tenancy in question was a Short Assured Tenancy of the Property by the Applicants to the Respondent commencing on 28 May 2017.
2. The application was dated 30 July 2024 and lodged with the Tribunal on 31 July 2024. The application was accompanied with a rent statement showing arrears to July 2024 of £1,950 and sought payment of that amount. The statement showed the arrears as having been present since May 2024. According to the Tenancy Agreement lodged with the application, the monthly rent was £650 and due on the 28th of each month.
3. We noted that throughout the application and supporting papers that the postcode of the Property was generally stated as “PH1 2EP” though the lease

and Title Sheet showed it as “PH1 3FP”, which we further confirmed as the postcode through Royal Mail’s website. Further reference to this is made below.

4. Prior to the case management discussion (“CMD”) an Inventory of Productions and written submissions were received from the Applicants’ agent with evidence of increased arrears and a motion to increase the amount sought to £7,150. Evidence of intimation of the motion upon the Respondent on 17 March 2025 was further lodged.

The Hearing

5. On 9 April 2025 at 10:00, at CMD of the First-tier Tribunal for Scotland Housing and Property Chamber, sitting remotely by telephone conference call, we were addressed by Sally McCartney, solicitor, Kippen Campbell LLP for the Applicants. There was no appearance for the Respondent.
6. We sought confirmation from the Tribunal's clerk as to any contact from or on behalf of the Respondent but there had been none (in regard to this application or a conjoined application on eviction under reference EV/24/3531). The Applicants' agent confirmed that there had been little to no contact with the Respondent since commencement of steps in regard to eviction in May 2024. Prior to that, the Respondent had been within the Applicants’ extended friends and family, and they had dined together at a festive meal in December 2023. The Applicants were surprised by the Respondent ceasing contact but this had been her consistent approach; not responding to letters or texts, nor being in attendance when site visits had occurred to the garden ground of the Property. In all the circumstances, and having not commenced the CMD until 10:05, we were satisfied to hear the application in the absence of the Respondent. (In any event, neither the Respondent nor anyone on her behalf sought to dial into the CMD call at any time before its conclusion.)
7. We raised the apparent error in the postcode (both in the Property details and the Respondent’s address) with the Applicants’ agent and she conceded that a typographical error had been made at some point, had thus entered the Tribunal’s system and was further repeated in documents issued by her office. The Applicants’ agent confirmed that no correspondence had been returned to her office, however, and as the street and house number were accurately stated in all correspondence she was satisfied that delivery had occurred. She sought to amend the application to the correct postcode. We considered the motion and allowed the amendment.
8. In this context we considered the motion to amend the sum sought and, in consideration that intimation had been made of the motion on the Respondent (albeit with the typographical error in the postcode) and no response was received, we allowed the amendment of the sum sought to £7,150.
9. In regard to the arrears, we noted the updated statement. It showed the last payment by the Respondent of £650 on 14 April 2024, being the payment due for rent as of 28 April 2024. No further rental payments had been made. The Applicants’ agent noted that the Applicants had informed the Respondent of their

desire to sell the Property on 15 April 2025 (and issued notices thereafter in May 2025) and she drew a connection between the Respondent's non-payment and the Applicants intimating their wishes to discontinue the Tenancy. Eleven monthly payments had now been missed with the last missed payment being the payment of rent due on 28 March 2025. Arrears now totalled £7,150 covering rent due to 27 April 2025.

10. We noted there was no contractual rate of interest in the Tenancy Agreement but the Applicants' agent sought judicial interest of 8% from the date of any order. No expenses were sought.

Findings in Fact

11. By written lease dated 23 May 2017, the Applicants let the Property to the Respondent by lease with a start date of 28 May 2017 until 27 May 2018 on the basis that "it will continue thereafter on a monthly basis" ("the Tenancy").
12. Under the Tenancy, the Respondent was to make payment of £650 per month in rent in advance to the Applicants on the 28th of each month.
13. As of 9 April 2025, there is unpaid rent of £7,150 due by the Respondent to the Applicants in terms of the Tenancy, covering all rent due to 27 April 2025.
14. The Respondent provided no evidence of payment of any part of the said unpaid rent due to 27 April 2025 of £7,150.00.
15. On 4 March 2025, a Sheriff Officer acting for the Tribunal intimated the application and associated documents upon the Respondent, providing the Respondent with sufficient notice of the CMD of 9 April 2025.

Reasons for Decision

16. The application was in terms of rule 70, being an order for civil proceedings in relation to assured tenancies.
17. The rent statement provided was detailed and we were satisfied with the evidence provided by the Applicants and noted the lack of any defence from the Respondent.
18. We were satisfied, on the basis of the application and supporting papers, and further submissions at the CMD, that rent arrears in the figure of £7,150 were outstanding for the period to 27 April 2025 and thus outstanding at the date of the CMD.
19. In all the circumstances, we were thus satisfied that the necessary level of evidence for such civil proceedings on the sum of £7,150 had been provided and no dispute was made by the Respondent.

20. The Procedure Rules allow at rule 17(4) for a decision to be made at CMD as at a hearing before a full panel of the Tribunal and we were satisfied to make a decision at the CMD to award the sum of £7,150 against the Respondent, with interest at the judicial rate of 8% against this sum, with interest from today's date.
21. We note that this sum relates to rent due through to 27 April 2025 and the Applicants thus preserve their position in regard to any further claim under the lease against the Respondent.

Decision

22. In all the circumstances, we were satisfied to make the decision to grant an order against the Respondent for payment of the sum of £7,150.00 with interest at 8% per annum 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.

Joel Conn

9 April 2025

Legal Member/Chair

Date