



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 71(1) of the Private Housing  
(Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/24/5400**

**Re: Property at 33, Flat 10 Pennywell Gardens, Edinburgh, EH4 4WJ (“the  
Property”)**

**Parties:**

**Edinburgh Living MMR LLP, Waverley Court, 4 East Market Street, The North  
Quarter, Edinburgh, EH8 8DG (“the Applicant”)**

**Miss Amy Kerr, Flat 2, 7 Heperus Terrace, Edinburgh, EH5 1SN (“the  
Respondent”)**

**Tribunal Members:**

**Graham Harding (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that the Applicant was entitled to an order for payment by  
the Respondent to the Applicant in the sum of £2918.55.**

**Background**

1. By application dated 22 November 2024 the Applicant’s representatives, Umega Lettings, Edinburgh applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondent’s tenancy of the property. The Applicant’s representatives submitted a copy of the tenancy agreement together with a rent statement in support of the application.
2. By Notice of Acceptance dated 30 January 2025 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.

3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 16 April 2025.

### **The Case Management Discussion**

4. A CMD was held by teleconference on 16 July 2025. The Applicant was represented by Miss Claire Smith from the Applicant's representatives. The Respondent did not attend nor was she represented. The Tribunal being satisfied that proper intimation had been given to the Respondent determined to proceed in her absence.
5. Miss Smith advised the Tribunal that the Respondent had contacted her about two months previously offering to set up a payment plan and had been provided with bank details but no payments had been received and the sum of £2918.55 remained due. Miss Smith asked the Tribunal to grant an order for payment in that amount. In response to a query from the Tribunal Miss Smith confirmed that the Respondent vacated the property on 17 April 2024. Miss Smith also explained that Umega Lettings had taken over management of the property from another agent and it had not been possible to establish if the Respondent had ever paid the deposit referred to in the tenancy agreement but it had not been deposited in an approved scheme and had not been recovered from the previous agents.

### **Findings in Fact**

6. The Respondent owed rent of £2918.55 as at 17 April 2024 and this amount was still outstanding at the date of the CMD.

### **Reasons for Decision**

7. The Tribunal was satisfied from the written representations and documents submitted by the Applicant's representatives together with the oral submissions that the Applicant was entitled to an order for payment by the Respondent in the sum of £2918.55.

### **Decision**

8. The Tribunal finds the Applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £2918.55.

## **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.**

**Graham Harding**

**Graham Harding  
Legal Member/Chair**

**16 July 2025  
Date**