

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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

**Chamber Ref: FTS/HPC/CV/24/4900**

**Re: Property at 154 Avontoun Park, Linlithgow, EH49 6QH (“the Property”)**

**Parties:**

**Ms Leeann McLaren, 89 Acredales, Linlithgow, EH49 6JA (“the Applicant”) and**

**Belvoir Falkirk, 38 Vicar Street, Falkirk, FK1 1JB (“the Applicant’s Representative”) and**

**Mr Robert Edwards, 65 Tippet Knowes Park, Winchburgh, Broxburn, EH52 6UR (“the Respondent”)**

**Tribunal Member:**

**G McWilliams- Legal Member**

**Decision in absence of the Respondent**

### **Background**

- 1. The Applicant has applied under Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”) (Application for civil proceedings in relation to a private residential tenancy) for an order for payment in respect of rent arrears.**

## **Case Management Discussion**

2. A Case Management Discussion (“CMD”) proceeded remotely by telephone conference call at 2.00pm on 5<sup>th</sup> August 2025. The Applicant’s Representative’s Ms R. Stewart and Mrs A. O’Rourke attended. The Respondent Mr Edwards did not attend and was not represented. The Tribunal noted that Sheriff Officers intimated the Application and effected notification of the CMD to Mr Edwards, by depositing the relevant papers through the letterbox of his above address, on 18<sup>th</sup> June 2025.
3. Ms Stewart stated that Mr Edwards had left the Property, following the earlier grant of an eviction order by the Tribunal, on 15<sup>th</sup> December 2024. She referred to the updated rent statement dated 25<sup>th</sup> March 2025, and said that the Applicant Ms McLaren seeks the grant of an order for payment by Mr Edwards of arrears of rent in the sum of £3,142.19. Ms Stewart stated that the payment order sum originally sought in the Application, of £3,631.95, had been reduced following the Applicant’s Representative’s receipt of deposit monies from Safe Deposits Scotland, as detailed in the rent statement.

## **Statement of Reasons for Decision**

4. In reaching their decision the Tribunal had regard to the terms of Section 71 of The Private Housing (Tenancies) Act 2016 provides as follows:
  - (1) In relation to civil proceedings arising from a private residential tenancy-
    - (a) the First-tier Tribunal has whatever competence and jurisdiction a sheriff would have but for paragraph (b),
    - (b) a sheriff does not have competence or jurisdiction.
  - (2) For the purposes of subsection (1), civil proceedings are any proceedings other than-
    - (a) the prosecution of a criminal offence,
    - (b) any proceedings related to such a prosecution.
5. Accordingly, the Tribunal has jurisdiction in relation to claims by landlords (such as the Applicant) for payment of unpaid rent against a tenant (such as the Respondent) in respect of a Private Residential Tenancy (“PRT”).
6. The Tribunal considered all of the Application papers, and the submission of Ms Stewart. Having done so, the Tribunal finds in fact, on a balance of probabilities, and in law that Mr Edwards owes rent arrears, arising from the parties’ PRT, in the sum of £3,142.19 and that the Applicant Ms McLaren is entitled to an order for payment to her by Mr Edwards of that amount. Mr Edwards has not lodged representations with the Tribunal or attended the CMD to provide any evidence, and/or make any submission, to oppose and contradict the basis for the order sought by the Applicant Ms McLaren. Accordingly, the Tribunal is satisfied that it is reasonable to

**grant an order for payment by the Respondent, Mr Edwards, to the Applicant, Ms McLaren, in the sum of £3,142.19.**

**Decision**

- 7. Therefore, the Tribunal made an order for payment by the Respondent, Mr Robert Edwards, to the Applicant, Ms Leeann McLaren, of the sum of THREE THOUSAND ONE HUNDRED AND FORTY TWO POUNDS AND NINETEEN PENCE (£3,142.19) STERLING.**

**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.**

**Gerald McWilliams**

**G McWilliams**

**5<sup>th</sup> August 2025**

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**Tribunal Legal Member**

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**Date**