



**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 (Act)**

**Chamber Ref: FTS/HPC/CV/24/5859**

**Re: Property at 7 Brisbane Way, Eastriggs, DG12 6NG (“the Property”)**

**Parties:**

**Dumfries & Galloway Homes, 7 Gifhorn House, Shakespeare street, Dumfries, DG1 2JB (“the Applicant”)**

**Miss Grace Louise Wharton, 63 Standalane, Annan, DG12 5JR (“the Respondent”)**

**Tribunal Members:**

**Alan Strain (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 the Respondent shall pay the Applicant the sum of £9,138.84 with interest at the rate of 4% per annum.**

**Background**

This is an application under Rule 70 of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (Rules)* and section 16 of the Act for an order for repayment of alleged rent arrears.

The following documents were considered by the Tribunal:

1. Application received 23 December 2024;
2. Short Assured Tenancy Agreement (**SAT**) commencing 14 August 2017;
3. Pre Action Correspondence;
4. Schedule of Rent Arrears;
5. Certificate of Service of CMD Notification on Respondent by Sheriff Officers dated 11 July 2025;
6. Application to amend the sum sued for by email dated 31 July 2025.

## **Case Management Discussion (CMD)**

The case called for a CMD by conference call on 21 August 2025. The Applicants did not participate but were represented by their Solicitor, Mrs Mullen. The Respondent did not participate and was not represented.

The Tribunal delayed the start of the CMD to see if the Respondent would participate. The Respondent did not.

The Tribunal were satisfied that the Respondent had received notification of the Case Management Discussion and that the Tribunal could determine the matter if it considered it had sufficient information to do so and the procedure was fair. The notification also advised the Respondent that she should attend and the Tribunal could determine the matter in absence if she did not.

The Applicants' Solicitor drew attention to the fact that the arrears were now £9,619.84 and that the Respondent had not paid any rent for some time. She was not engaging with the Applicant. She asked the Tribunal to allow her amendment to increase the sum sued for to £9,138.84 and award interest at the rate of 8% per annum.

The Tribunal then considered the documentary evidence it had received from the Applicant and in so far as material made the following findings in fact:

1. The Parties let the subjects under an SAT commencing 14 August 2017;
2. Monthly rent was £481;
3. As at the date of the CMD there was £9,619.84 rent due;
4. Pre Action correspondence had been issued to the Respondent.

The Tribunal considered and accepted the documentary evidence of the Applicants which was, in any event, uncontested. The Tribunal considered that it had sufficient information upon which to make a Decision and that the procedure was fair. The Tribunal granted the amendment and the order sought. The Tribunal considered that it was reasonable to apply interest at the rate of 4% per annum.

## **Outcome**

- **Order for payment in the sum of £9,138.84 with interest at the rate of 4% per annum granted.**

## **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.**

Alan Strain

21 August 2025

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Legal Member/Chair

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Date