

Housing and Property Chamber

First-tier Tribunal for Scotland



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/25/0622

Re: Property at 87 Sighthill Loan, Edinburgh, EH11 4NT (“the Property”)

Parties:

Mrs Alison Waldie, 18 Cherry Tree Place, Edinburgh, EH14 5AS (“the Applicant”) and

Swift Letting Ltd, Bonnington Bond, 2 Anderson Place, Edinburgh EH6 5NP (“the Applicant’s Representative”) and

Miss Anne Marie Brown, whose current address is unknown (“the First Respondent”) and

and Mr Shaun Patterson, whose current address is unknown (“the Second Respondent”)

Tribunal Member:

G McWilliams- Legal Member

Decision in absence of the Respondents

Background

- 1. The Applicant had 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 10am on 22nd August 2025. The Applicant Mrs Waldie’s Representative’s Ms C Burnett attended. Neither of the Respondents, or any representatives acting on their behalf, attended.**

3. The Tribunal noted that after the Applicant's Representative had been unsuccessful in tracing the Respondents the Application papers, and details of the CMD, had been served on the Respondents by advertisement on the Tribunal's website between 22nd July and 22nd August 2025.
4. Ms Burnett referred to the Application, and her subsequent email sent to the Tribunal's office, with an updated rent statement, on 11th July 2025. She said that the Respondents had left the Property, after enforcement of an eviction order, on 14th May 2025. Ms Burnett stated that the Respondents current address is still unknown. She asked the Tribunal to grant the payment order sought, in the sum of £6071.50, in respect of outstanding rent owing. She said that the Applicant intends to instruct another tracing report in the hope that she may recover the rent arrears due.

Statement of Reasons for Decision

5. 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.
6. Accordingly, the Tribunal has jurisdiction in relation to claims by landlords (such as the Applicant) for payment of unpaid rent and other costs against a tenant (such as the Respondents) in respect of a Private Residential Tenancy ("PRT").
7. The Tribunal considered all of the Application papers, and the submission of Ms Burnett. Having done so, the Tribunal found in fact, on a balance of probabilities, and in law that the Respondents owe a balance of rent, arising from the parties' PRT, in the sum of £6071.50 and are obligated, in terms of that PRT, to pay those arrears to the Applicant. The Respondents have not lodged representations with the Tribunal or attended the CMD to provide any evidence, and/or make any submission, to oppose and contradict the order sought by the Applicant, and her basis for seeking the grant of an order. Accordingly, the Tribunal is satisfied that it is reasonable to grant an order for payment by the Respondents, Miss

Brown and Mr Patterson, to the Applicant, Mrs Waldie, in the sum of £6071.50.

- 8. If Miss Brown and/or Mr Patterson are unclear regarding any of the terms of this Decision and accompanying Order for Payment they should consider seeking independent housing law and money matters advice from their local authority's welfare rights service, their local Citizens Advice Bureau or a solicitor.**

Decision

- 9. Therefore, the Tribunal made an order for payment by the Respondents, Miss Anne Marie Brown and Mr Shaun Patterson, to the Applicant, Mrs Alison Waldie, of the sum of SIX THOUSAND AND SEVENTY ONE POUNDS AND FIFTY PENCE (£6071.50) 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

22nd August 2025

Tribunal Legal Member

Date