



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

Chamber Ref: FTS/HPC/CV/24/1893

Re: Property at 3/2 Moncrieff Terrace, Edinburgh, EH9 1NB (“the Property”)

Parties:

Lochburn Ltd, 34 Grange Road, Edinburgh, EH9 1UL (“the Applicant”)

Mr Graham Dolan, Ms Kaitlyn Smith, 2f1,1 Victor Park Terrace, Edinburgh, EH12 8BA; 2f1,1 Victor Park Terrace, Edinburgh, EH12 8BA (“the Respondents”)

Tribunal Members:

Nairn Young (Legal Member)

Decision (in absence of the Respondents)

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

- Background
1. This is an application for an order for payment of rent arrears alleged to be owed by the Respondents to the Applicant in terms of a private residential tenancy agreement. It called for a case management discussion (‘CMD’) at 2pm on 16 September 2025, by teleconference. The Applicant was represented on the call by Mrs Felicity Keating, its secretary. The Respondents were not on the call and were not represented.
 2. It previously called for a CMD on 20 January 2025. The Applicant was represented there, but the Respondents were not on the call and were not

represented. Shortly prior to that calling, the Tribunal administration received a call from the first-named Respondent, indicating that he was not able to attend, due to an urgent family matter. The second-named Respondent had, separately, submitted some written submissions, including an alternative rent account statement and some information regarding repairs, which it appeared she was alleging had not been completed. It was not clear from the submission whether or not the alternative account included deductions in relation to these repairs, or the legal basis upon which any such deduction was made.

3. The Applicant indicated that she was willing to accept the figure set out in the alternative account and asked for an order for payment of that sum. The Tribunal did not feel that it was in a position to make an order at that CMD, given the uncertainty around whether the figure mentioned was really agreed by the second-named Respondent as what was finally owed: and the fact that the first-named Respondent's position on the matter was unclear. Rather, it considered that an adjournment to a further CMD would allow an opportunity for these questions to be answered. A direction was made to the Respondents to confirm their position as to the sum owed. They did not respond to that direction.
4. On 15 September 2025, the Tribunal received an email from the second-named Respondent stating that she would not attend the second CMD, as it clashed with her university timetable. She reported that the first-named Respondent would not either, as he had a trial for a new job. She did not request a postponement. She did not explain the Respondents' failure to follow the terms of the direction and did not give any of the further information that was requested by it.
5. The Tribunal did not consider that either reason given for non-attendance was adequate. Even if it had not been possible for the first-named Respondent to ask for leave to attend the CMD in relation to the job trial, there seemed to be no reason why the second-named Respondent could not give priority to the CMD over a university class, and confirm the Respondents' position. The

progress of the application had already been significantly delayed due to their previous failure to attend and their failure to answer the direction. It therefore considered it was fair to proceed in their absence.

6. The Respondents had seen the terms of the CMD note and direction setting out what the Tribunal had taken their written representations to say, including the warning, “The Respondents should note that failure to comply with this direction may result in the application being granted at the sum set out above, without further procedure.” Given that there had been no additional information provided by the Respondents raising any issue with that, the Tribunal considered that it was a matter of agreement between the parties that an order for the revised sum set out by the Respondents should be granted. It therefore proceeded to do so.

- Decision

Order made for payment by the Respondents to the Applicant of the sum of FOUR THOUSAND, TWO HUNDRED AND EIGHTY-TWO POUNDS AND TWENTY-FIVE PENCE STERLING (£4,282.25).

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.

Nairn Young

Legal Member/Chair

Date: 03/10/2025