



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) in terms of Rule 17 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) in respect of an application under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) and Rule 111 of the Rules

Chamber Ref: FTS/HPC/CV/24/4931

Re: Property at 3 Knowes, Dunbar, EH42 1XJ (“the Property”)

Parties:

Lord Haddington of Mellerstain, Gordon, Berwickshire, TD3 6LG (“the Applicant”) per his representative Galbraith having a place of Agent confirms business at 18, George Street, Edinburgh, EH2 2PF (“the Applicant’s Representatives”)

Ms Emma Innes, 3 Knowes, Dunbar, EH42 1XJ (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member) and Angus Lamont (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted a Payment Order for the Sum of TWENTY THOUSAND EIGHT HUNDRED AND NINETY THREE POUNDS and EIGHTY SIX PENCE (£20,893.86) Sterling

Background

1. By application received between 25 October 2024 and 10 December 2024 (“the Application”), the Applicant’s Representatives on his behalf applied to the Tribunal for an Order for payment of the sum of £10,255.31 in respect of rent due and owing by the Respondent to the Applicant in respect of a tenancy between them.
2. The Application comprised the following: copy residential tenancy agreement and supporting papers evidencing a tenancy between the Parties, copy rent statement showing rent of £10,255.31 due and owing by the Respondent to 30 September 2024 and copy correspondence from the Applicant’s Representatives to the Respondents in compliance with the pre-action protocol.
3. The Application was accepted by the Tribunal Chamber and a Case Management Discussion (the “CMD”) was fixed for 30 June 2025 at 14.00 by telephone conference. The outcome of the CMD was that the CMD was adjourned to allow the Applicant’s Representative’s to amend the sum sought and to conjoin the Application with an application for an eviction order based on rent arrears which had been lodged with the tribunal chamber.

Adjourned CMD

4. The adjourned CMD was fixed for 28 October 2025 at 10.00 by telephone conference and was intimated to both Parties. In particular, it was intimated to the Respondent by Sheriff Officer service on 18 September 2025.

5. Prior to the adjourned CMD, the Applicant's Representatives submitted an amended statement of rent due and owing showing the sum due to be £20,893.86. A copy letter evidencing that an increased sum had been sent to the Respondent was also lodged.
6. The adjourned CMD took place on 28 October 2025 at 10.00 by telephone. The Applicant was not present and was represented by Ms. G. Weston of the Applicant's Representatives. The Respondent was not present and was not represented. She did not submit written representations. The Tribunal was satisfied that the Respondent had had service of the Application that she was aware of the proceedings and was aware that she was required to attend the CMD. The Tribunal, therefore, proceeded in her absence.
7. Ms. Weston confirmed the sum sought was £20,893.86.

Findings in Fact

8. From the Application and the CMDs, the Tribunal made the following findings in fact: -
 - i) There is a private residential tenancy of the Property between the Parties;
 - ii) The Respondent has accrued rent arrears amounting to £20,893.86 as at the date hereof;
 - iii) The Applicant is entitled to an Order for £20,893.86.

Decision and reasons for the decision

9. The Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal "may do anything at a case management discussionincluding making a decision". Having found in fact that the Respondents are due and owing to the Applicants for the sum of £20,893.86, the Tribunal proceeded to make an order for payment of this sum.

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.

Karen Moore

Legal Member/Chair

28 October 2025

Date