

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 16 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/18/1535

Re: Property at 32 Easthouses Way, Easthouses, Dalkeith, Edinburgh, EH22 4UA ("the Property")

Parties:

Miss Katie Main, 18 Dalhousie Drive, Bonnyrigg, EH19 2NB ("the Applicant")

Miss Nucklin Tenn, 32 Easterhouses Way, Easterhouses, Dalkeith, Edinburgh, EH22 4UA ("the Respondent")

Tribunal Members:

Patricia Pryce (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the application and an order for payment in the amended sum of £2,700 should be granted.

- **Background**

This is an application for payment of rent arrears. The background was fully rehearsed in the Case Management Discussion on 14 August 2018, the note of which is referred to for its terms.

- **The Case Management Discussion (CMD)**

This was a continued CMD which was continued from 14 August 2018 to allow the Respondent to pay £1,500 by 5 pm on 14 August 2018 and thereafter £1,200 on 20 August 2018. The note of the CMD of 14 August 2018 is referred to for its terms and is repeated herein. On 14 August 2018, the Respondent had agreed that she owed the Applicant £2,700 by way of rent arrears. The Respondent submitted that she would make the two payments outlined above on the stated dates to clear the arrears.

Mr Bain, solicitor for the Applicant attended at the continued CMD on 21 August 2018. The Respondent did not attend nor was she represented. She had been told she required to attend. A letter was sent to her on 15 August 2018 confirming that she required to attend. She failed to attend.

Mr Bain confirmed that the Respondent had made no payments to the Applicant since the 14 August 2018. He had telephoned the Respondent the night before the continued CMD and she had advised him that she had been too busy to pay but would make payment first thing on the morning of 21 August 2018. Mr Bain confirmed that he had checked with his accountant and no payments had been received on 21 August 2018.

Mr Bain confirmed that he sought an order for payment in the amended sum of £2,700.

- **Findings in Fact**

1. The Respondent had accepted at the CMD on 14 August 2018 that she owed the Applicant £2,700 by way of rent arrears.
2. The Respondent had failed to make any payments to the Applicant after the original CMD.
3. The Respondent owed the Applicant £2,700 in respect of rent arrears.

- **Reasons for Decision**

The Respondent had agreed at the CMD on 14 August 2018 that she would make two payments to the Applicant as narrated above. She failed to do so. By her own admission, she owed the Applicant £2,700 by way of rent arrears.

- **Decision**

The tribunal granted the application and an order for payment of the sum of £2,700 in favour of the Applicant.

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.

Patricia Pryce, Legal Member

21 August 2018

Legal Member/Chair

Date