

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/18/2206**

**Re: Property at 4/2 The Paddockholm, Edinburgh, EH12 7XP (“the Property”)**

**Parties:**

**Mr David Simpson, C/O CMC Property Let, 6B (Unit1-2) New Mart Road,  
Edinburgh, EH14 1RL (“the Applicant”)**

**Mr Craig Rennie, 50 Gylemuir Road, Edinburgh, Midlothian, EH12 7DW (“the  
Respondent”)**

**Tribunal Members:**

**Mark Thorley (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that an order for payment by the Respondent to the  
Applicant of £3530 ( Three thousand five hundred and thirty pounds ) be made**

**Background**

By application dated 22 August 2018 the applicant appeared at the First-tier Tribunal under Section 16 of the Housing (Scotland) Act 2014 under Rule 70. The application is accompanied by a copy of the Tenancy Agreement dated 7 March 2017 together with an AT5 dated 19 January 2017, copy letter by the applicant’s agents dated 9 August 2018 and copy rent statement.

**Mark Thorley, Legal Member**

A case management discussion was due to take place on 24 October 2018 but service of a notice on the respondent was not effected. A subsequent address for the respondent was identified and service of the notice was effected on the respondent on 3 December 2018 by way of Sheriff Officers.

The respondent emailed to the tribunal on 3 January 2019 indicating that he had only just received notification regarding the case management discussion and indicating that he was unable to attend the case management discussion but was willing to pay back the rent arrears.

### **Case Management Discussion**

Mr McIntosh solicitor appeared on behalf of the applicant. There was no appearance by or on behalf of the respondent. As previously noted papers had been served on the respondent by Sheriff Officers on 3 December 2018 and he had acknowledged by way of email receipt of those papers.

Mr McIntosh advised that no further rent had been received by the applicant since the proceedings were raised. However the deposit of £300 had been recovered. The outstanding sum due by the respondent was £3,530 rent having been payable at the rate of £650 per month the last rental payment having been made by the respondent on 2 October 2017. The respondent left the property on 31 March 2018.

The tribunal accepted the evidence of the applicant in relation to the case. The respondent had not lodged any written representations but had accepted by email that he was due rent.

### **Findings in Fact**

1. The tenancy between the parties was constituted by Tenancy Agreement dated 7 March 2017.
2. Rent arrears of £3,530 had been accrued.
3. The respondent received all relevant paperwork which was in order.

**Mark Thorley, Legal Member**

## 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.

Mark Thorley, Legal Member

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Legal Member/Chair

4<sup>th</sup> January 2019  
\_\_\_\_\_  
Date

\*Insert or Delete as required