



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017

Chamber Ref: FTS/HPC/CV/18/2767

Re: Property at 2 (5) Durar Drive, Edinburgh, EH4 7HJ (“the Property”)

Parties:

Fidra Lettings Ltd, 6 High Street, Gifford, East Lothian, EH41 4QU (“the Applicant”)

Ms Amy Rose Edwards, Ms Lesley McCusker, 2 (5) Durar Drive, Edinburgh, EH4 7HJ (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision

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

This matter called for a Case Management Discussion at 2 pm on 8 January 2019 in George House, 126 George Street, Edinburgh. The Applicant was represented by Ms Hill of Paris Steel WS. The Second Respondent, Ms Lesley McCusker, was personally present. There was no appearance by or on behalf of the First Respondent.

Ms Hill invited the Tribunal to make a Payment Order in the sum of £3,625.43 being the current level of rent arrears said to be due in respect of the relevant tenancy. At the start of the Hearing Ms McCusker acknowledged that she accepted she had rent arrears but “*Didn’t know how much was due*”.

Ms Hill produced rent statements that were clear and easy to understand and appeared to show that £3,625,43 was due in rent arrears. Ms McCusker advised that she thought that these statements might not have taken account of payments she recalled having made but after being given time to review her online banking could not produce any evidence that the figures put forward by the Applicant were

inaccurate. Ms McCusker then conceded that the rent statements lodged most likely were accurate and that she probably did owe the sums calculated in those statements.

Accordingly the Tribunal made a Payment Order against the Respondents in the sum of £3,625.43.

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.

Andrew McLaughlin, Legal Member

Legal Member/Chair

Date

8/1/19