



**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/19/3084

Re: Property at 11 Salvesen Crescent, Edinburgh, EH4 5JN (“the Property”)

Parties:

**Mr Michael Troup, c/o Cullen Property, 30 Rutland Square, Edinburgh, EH1
2BW (“the Applicant”)**

**Mr Steven Baxter, Ms Carolanne Baxter, 147 Easter Drylaw Drive, Edinburgh,
EH4 2RX; 1/7 Oxgangs Drive, Edinburgh, EH13 9HB (“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 of £1900.48 be granted.**

Background

**The applicant applied under Rule 70 of the Tribunal Rules for an order against
the respondents jointly and severally for payment in the sum of £1,900.48.
Accompanying the application was a copy of the Tenancy Agreement and Rent
Arrears Statement. Neither respondent continued to live within the tenancy
address of 11 Salvesen Crescent, Edinburgh. Trace reports had been
obtained in respect of both respondents. The first respondent was traced to
an address at 147 Easter Drylaw Drive, Edinburgh and the second respondent
to an address at 1/7 Oxgangs Drive, Edinburgh. Sheriff Officers’ execution of
services were made at both addresses. A handwritten letter had been sent in
regarding service upon the second named respondent indicating that she did
not live at 1/7 Oxgangs Drive. A response was made by the applicant’s
representative regarding the effectiveness of the Sheriff Officers’ service.**

Case Management Hearing

At the case management hearing the applicant's representative Mr McCall appeared on behalf of the applicant. There was no appearance by or for the respondents.

Findings in Fact

- 1. That a Short Assured Tenancy Agreement was entered into between the parties on 16 October 2014.**
- 2. That in terms of that Agreement the respondents were due to pay rent in the sum of 720 per calendar month.**
- 3. That arrears of rent have accrued totalling £1,900.48.**
- 4. That both respondents have received effective service of the proceedings.**
- 5. That an order for payment be granted.**

Reasons for decision

- 1. Service of the proceedings upon the respondents had taken place by way of Sheriff Officers. Sheriff Officers have confirmed by their execution of service that the respondents lived at the addresses as set out in the executions of service. Accordingly effective service has taken place.**
- 2. There was no appearance by or for the respondents.**
- 3. The applicant has lodged the requisite paperwork.**
- 4. Accordingly in the circumstances an order for payment was granted.**

Decision

An order for payment was granted in the sum of £1,900.48.

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.

M Thorley

Legal Member/Chair

6th March 2019

Date