



**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/19/1979**

**Re: Property at 14/7 Seafield Street, Edinburgh, EH6 7LG (“the Property”)**

**Parties:**

**Hillcrest Enterprises Limited, 1 Explorer Road, Dundee, DD2 1EG (“the Applicant”)**

**Mr Rodger Jackson, 14/7 Seafield Street, Edinburgh, EH6 7LG (“the Respondent”)**

**Tribunal Members:**

**Yvonne McKenna (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent shall make payment to the Applicant the sum of three thousand seven hundred and two pounds and ninety nine pence (£3702.99)**

**BACKGROUND**

1. This is an application by the Applicant for payment in respect of arrears of rent in the amount of £3043.94 at the date the application was lodged with the Tribunal as well as “any further sums due on the date an order is made.” An application to increase the sum sued for to £4227.82 was lodged by the Applicant in terms of Rule 14A of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017(the 2017 Regulations).
2. In support of the application the Applicant provided; -

- the copy Lease between the parties
- a Rent Statement showing arrears and late payments

3. By Notice of Acceptance dated 11<sup>th</sup> July 2019 a Legal Member of the Tribunal with delegated powers of the Chamber President intimated that there were no grounds for rejecting the application. A Case Management Discussion (CMD) was assigned for 23<sup>rd</sup> August 2019. This CMD was continued at the Applicant's request for a period of 3 months. The Respondents had entered into a repayment arrangement and the CMD was adjourned for 3 months to allow for repayment of rent arrears.

4. Service was effected by Sheriff Officers on 24<sup>th</sup> October 2019 and a further CMD scheduled for 27<sup>th</sup> November 2019 at 10am in George House Room D25, 126 George Street, Edinburgh, EH2 4HH.

5. The application had previously been linked to an eviction case which was conjoined with this case and the CMD proceeded in respect of both applications together.

### **THE CASE MANAGEMENT DISCUSSION**

6. The Case called for a CMD on 27<sup>th</sup> November 2019. The Respondent was not present. The Applicant was represented by Ms. Nicola Caldwell. Miss Caldwell advised the Tribunal that the Applicant had not adhered to the terms of the repayment arrangement and sought an order for payment. She provided the Tribunal with an up-to-date rent statement showing the sums due as being £3702.99. She invited the Tribunal to make an award in that amount.

7. The Tribunal were satisfied that the Respondent had notification of the CMD and the fact that the Tribunal could proceed in his absence and determine the matter if it had sufficient information to do so and the procedure was fair. The Tribunal accordingly decided to proceed with the CMD.

### **FINDINGS IN FACT**

8. The Tribunal considered the evidence and made the following findings in fact;

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- By lease dated 28<sup>th</sup> March 2017 the Applicant rented the Property to the Respondent.
- The Property is owned by Hillcrest Housing Association Ltd, who lease the Property to the Applicant . The head lease authorises them to do so.
- The rent payable was £568.89 per calendar month.
- The Respondent fell into arrears of rent
- The Applicant presented an application to the Tribunal seeking an order for payment
- As at the date of the application to the Tribunal (1<sup>st</sup> June 2019) the arrears of rent amounted to £3043.94. As at the date of the CMD today the arrears were £3702.99.

### **REASONS FOR DECISION**

9. The Tribunal were satisfied that it had enough information to determine the matter at the CMD and the procedure had been fair.

### **DECISION**

10. The Tribunal granted the order for payment in the sum of £3702.99 .

### **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.**

Yvonne McKenna

Date 27<sup>th</sup> November 2019

 Legal Member/Chair