



**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/18/2893**

**Re: Property at 49 Craigs Park, East Craigs, Edinburgh, EH12 8UL (“the  
Property”)**

**Parties:**

**Mr Ian Grant, co 9 10 and 11 Atholl Place, Edinburgh, EH3 8HP (“the  
Applicant”)**

**Miss Kerry Dawn Bell, 49 Craigs Park, East Craigs, Edinburgh, EH12 8UL (“the  
Respondent”)**

**Tribunal Member:**

**George Clark (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that the application should be granted without a hearing  
and made an Order for Payment by the Respondent to the Applicant of the  
sum of £4,815.**

**Background**

By application, received by the Tribunal on 28 October 2018, the Applicant sought an Order for Payment by the Respondent to the Applicant of the sum of £2,715 in respect of arrears of rent that had become lawfully due.

The application was accompanied by a copy of a Short Assured Tenancy agreement between the parties commencing on 8 April 2013 at a rent of £675 per month and a rent statement showing arrears of rent as at 24 October 2018 of £2,715.

Prior to the Case Management Discussion, the Applicant sought leave to amend the application to increase the amount sought to £4,815 and provided the Tribunal with a copy of a letter from the Applicant’s letting agents, Dove Davies & Partners, Edinburgh, to the Respondent, dated 2 May 2017, intimating an increase in rent to £700 per month from 8 July 2017 and a further rent statement showing arrears as at 8 January 2019 of £4,815.

On 15 January 2019, the Tribunal advised the Parties of the date, time and venue for a Case Management Discussion and the Respondent was invited to make written representations by 4 February 2019. The Respondent made no written representations to the Tribunal.

### **The Case Management Discussion**

A Case Management Discussion was held at George House, 126 George Street, Edinburgh on the afternoon of 6 February 2019. The Applicant was present and was represented by Kirstie Donnelly of Bannatyne, Kirkwood, France & Co, solicitors, Glasgow. The Respondent was not present or represented.

The Applicant's representative asked the Tribunal to grant the application without a hearing

### **Reasons for Decision**

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision. The Tribunal was satisfied that it had before it all the documentation and information it required and that it would decide the application without a hearing.

The Tribunal accepted the amendment to the application sought by the Applicant.

The Tribunal was satisfied that the amount sought in the application, as amended, was lawfully due by the Respondent, who had not made any written representations to the contrary and was not present or represented at the Case Management Discussion.

### **Decision**

The Tribunal determined that the application should be granted without a hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £4,815.

### **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.**

George Clark

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**Legal Member/Chair**

7 February 2019

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**Date**