



**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/20/2355**

**Re: Property at 32/11 St Bernards Crescent, Edinburgh, EH4 1NS (“the  
Property”)**

**Parties:**

**Mr Ewan McDonald, c/o DJ Alexander Lettings Ltd, 1 Wemyss Place,  
Edinburgh, EH3 6DH (“the Applicant”)**

**Mr Ross Aitken, Mrs Lindsay Aitken, UNKNOWN, UNKNOWN (“the  
Respondent”)**

**Tribunal Members:**

**Mary-Claire Kelly (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined to grant an order for payment in the sum of THREE  
THOUSAND TWO HUNDRED AND TWENTY-FIVE POUNDS (£3225.00)**

**Background**

1. By application dated 10<sup>th</sup> November 2020 the applicant seeks an order for payment in the sum of £3225 in respect of rent arrears.
2. The Tribunal had before it the following documents:
  - Copy tenancy agreement
  - Copy rent statement
3. A case management discussion (“cmd”) was assigned for 22<sup>nd</sup> February 2021.

**Case management discussion – 22<sup>nd</sup> February 2021- teleconference**

4. The applicant was represented by Dayna Greeney, DJ Alexander Lettings Ltd. The respondents were not present or represented. Sheriff Officers had been unable to serve the application as the respondents had moved from the

property. As the applicant did not have an up to date address for the respondents the application was service by advertisement on the Tribunal's website as per rule 6A. The Tribunal noted that that there had been a spelling error with one letter of the respondents' surname incorrect on the advertisement. The advertisement specified the surname Aitkin, rather than Aitken. Notwithstanding that the Tribunal determined that adequate notice of the cmd had been given to the respondents and proceeded with the cmd in their absence in terms of rule 29.

5. The applicant's representative confirmed that parties had entered into a Short Assured Tenancy agreement with a commencement date of 11<sup>th</sup> August 2017. The rent due in terms of the agreement was £1075 per month. The rent account showed that three months rent were outstanding as at the date the respondents left the property in November 2020. Ms Greeney confirmed that she had been chasing the unpaid rent from the respondents before they moved out and they were aware of the debt.

### **Findings in Fact**

6. Parties entered into a Short Assured Tenancy agreement with a commencement date of 11<sup>th</sup> August 2019.
7. The monthly rent due in respect of the tenancy agreement was £1075.
8. As at 22<sup>nd</sup> February 2021 the outstanding rent arrears figure was £3225.

### **Reasons for decision**

9. The Tribunal took into account the contents of the application, the documents lodged in support of the application and Ms Greeney's submissions at the cmd. The respondents made no appearance and had not lodged any written representations disputing the application. The Tribunal was satisfied that the rent account was genuine, and that the outstanding arrears figure was accurate.

### **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.**

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**Legal Member/Chair**

22<sup>nd</sup> February 2021\_\_\_\_\_  
**Date**