

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

---



**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/21/2364**

**Re: Property at 38 Fraser Road, Alford, AB33 8GB (“the Property”)**

**Parties:**

**Mr Scott Taylor and Mrs Emma Taylor, Lintara, 114 Main Street, Alford, AB33 8AD (“the Applicants”)**

**Miss Hannah Wilson, 38 Fraser Road, Alford, AB33 8GB (“the Respondent”)**

**Tribunal Members:**

**Gillian Buchanan (Legal Member)**

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

At the Case Management Discussion (“CMD”) on 11 January 2022 which took place by telephone conference the Applicants were in attendance. The Respondent was neither present nor represented.

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) had been satisfied relative to the Respondent having received notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29.

Prior to the CMD the Tribunal had received by email on each of 6 and 20 December 2021 the Applicants’ requests to amend the application to increase the sum claimed all in terms of Rule 14A of the Rules.

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

**Background**

The Applicants leased to the Respondent the subjects known as 38 Fraser Road, Alford, AB33 8GB (“the Property”) in terms of a Private Residential Tenancy Agreement (“the PRT”) signed on 20 September 2018.

The PRT commenced on 28 September 2018 and the rent payable in terms thereof was £320 per fortnight which the Applicants subsequently reduced to £300 per fortnight in March 2021 to assist the Respondent who was struggling to make payments.

In terms of the application, the Applicants sought an order for payment by the Respondents of £625 being the arrears due as at the date of the application, 30 September 2021.

### **The CMD**

At the CMD the Applicants made the following representations:-

- That the Respondent is believed to have vacated the Property around mid-December 2021 but she has not removed all her possessions and keys have not been returned;
- That the Respondent sent a text message to the Applicants on 11 January 2022 stating that she hoped to leave the Property by the end of January 2022;
- That a Notice to Leave has been served on the Respondent which will expire on 4 April 2022;
- That the Applicants are pursuing another tribunal application to obtain access to the Property; and
- That in terms of their application to the tribunal dated 20 December 2022 under Rule 14A of the Rules, the Applicants seek to amend the amount claimed from the Respondent to £2,725.00 being the arrears due as at 17 December 2022.

### **Reasons for Decision**

The Respondent is in arrears of rent due in terms of the PRT as adjusted by the Applicants in March 2021. As at 17 December 2022 the amount due is £2,725.00. The requirements of Rule 14A have been properly observed.

### **Decision**

The tribunal therefore:-

1. Allowed the Applicants to amend the application to increase the sum claimed to £2,725.00; and
2. Granted an order against the Respondent for payment to the Applicants of £2,725.00.

### **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.

**Gillian Buchanan**

---

**Legal Member/Chair**

**11 January 2022**  
**Date**