



**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/22/1544**

**Re: Property at 11 Lochlann Terrace, Culloden, Inverness, IV2 7PZ (“the Property”)**

**Parties:**

**Miss Kerry Glen, Ardhuaran, Tower Brae South, Inverness, IV2 5BW (“the Applicant”)**

**Mr Chris Turner and Mrs Faye Turner, 11 Lochlann Terrace, Culloden, Inverness, IV2 7PZ (“the Respondents”)**

**Tribunal Members:**

**Gillian Buchanan (Legal Member)**

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

A Case Management Conference (“CMD”) took place by telephone conference on 24 October 2022. The Applicant was present at the CMD and was represented by Mr John McEwan of Jackson Boyd Lawyers. The Respondents were neither present nor represented. An observer was also in attendance, namely Mr George Low.

Prior to the CMD the Tribunal had received from the Applicant’s representative an email dated 21 October 2022 with attachments.

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 Respondents having received notice of the CMD and determined to proceed in the absence of the Respondents in terms of Rule 29.

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

**Background**

A CMD had previously taken place on 18 August 2022 attended by the First Respondent on the Respondents’ behalves. The Notes of that CMD are referred to for the discussions that took place that day.

### **The Case Management Discussion**

At the CMD Mr McEwan made the following submissions for the Applicant:-

- i. That the Application should be amended in terms of Rule 14A of the Rules to increase the sum claimed to £3,250. The Application to amend had been intimated to both Respondents by email on 2 August 2022 and again to the First Respondent by email dated 23 August 2022.
- ii. After his email of 23 August 2022 Mr McEwan had calls with the First Respondent relative to the return of the keys to the Property.
- iii. The keys to the Property were returned directly to the Applicant on 25 August 2022.
- iv. Mr McEwan had received an email from the First Respondent on 24 August 2022 in which he stated that he would "get back to you in due course with a proposal". No such proposal was forthcoming.
- v. Mr McEwan emailed the First Respondent again on 24 August 2022 asking for certain information and evidence to be provided, and on 12 September 2022 too. The Respondents did not answer and have not been in further contact with Mr McEwan.
- vi. Mr McEwan seeks an order payment of rent arrears of £3,250.

### **Findings in Fact**

- i. The parties entered into a Private Residential Tenancy Agreement ("PRT") dated 19 February 2021.
- ii. In terms of the PRT the tenancy started on 28 February 2021, the rent payable was agreed to be £650 per calendar month payable in advance on the last day of each month and a deposit of £650 was paid.
- iii. The rent due on each of 31 March, 30 April, 31 May, 30 June and 31 July has not been paid by the Respondents to the Applicant.
- iv. The unpaid rent totals £3,250.

### **Reasons for Decision**

In the absence of the Respondents the Applicant's submissions were unchallenged. The CMD commenced at 10.07am and concluded at 10.17am by which time the Respondents had still not dialled in.

Whilst at the first CMD reference was made by the Respondents to the rent arrears being disputed due to outstanding repairs being required to the Property no properly detailed representations were provided. Subsequent to the first CMD the Applicant's representative had also written to the First Respondent for details. No information was forthcoming. In the absence of the Respondents it is assumed the Respondents no longer wish to persist with such a defence.

The Applicant's application to amend had been properly lodged and intimated in terms of Rule 14A of the Rules.

An order for payment of the rent arrears outstanding was properly due to be made.

### **Decision**

The tribunal:-

1. Allows the application to be amended in terms of Rule 14A of the Rules by amending the sum claimed to £3,250; and thereafter

2. Makes an order for payment by the Respondents to the Applicant of the sum of £3,250.

### **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**

**24 October 2022**  
**Date**