



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 71(1) of the Private Housing  
(Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/22/4182**

**Re: Property at 1/6 Hutchison Park, Edinburgh, EH14 1RG (“the Property”)**

**Parties:**

**Miss Shona Hogg, 12 Robertson Avenue, Prestonpans, EH32 9AL (“the Applicant”)**

**Mr Christopher Derwin and Miss Chantelle Brown, 1/6 Hutchison Park,  
Edinburgh, EH14 1RG (“the Respondents”)**

**Tribunal Member:**

**Lesley-Anne Mulholland (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted a Payment Order in the sum of £2,815.00 due in respect of rent arrears, against the Respondent.**

1. This is an application under Rule 111 for a Payment Order.
2. The Applicant is the owner and landlady of the property at 1/6 Hutchison Park, Edinburgh, EH14 1RG. The Respondents are the joint tenant. They entered into a tenancy agreement with the Applicant on 25 July 2020. The tenancy agreement specifies that £695 was due in respect of rent each calendar month payable in advance.
3. The Applicant asserts that the Respondents have accrued rent arrears, as at the date of the application, in the sum of £2,815.00 and asks that a Payment Order is granted in that amount.

4. A Case Management Discussion took place at 10.00 am on 24 February 2023. The hearing preceded remotely by telephone conference. The Applicant's Representative, Mr Hogg, joined the hearing. I was satisfied that the discussion was fair and that Mr Hogg was able to put his points across. No obvious issues arose with sound or connectivity.
5. The Respondents have failed to engage with the application or make contact with the Housing and Property Chamber. I decided to continue the discussion in the Respondents' absence after satisfying myself that all the relevant paperwork had been properly served on them and that they were notified of today's hearing. The Respondents were notified that the Tribunal can make any decision at a Case Management Discussion that could be made at a hearing.
6. Mr Hogg said that he had tried to negotiate payment and reach an agreement but that had not been adhered to. As such, the Applicant had no option but to make an application for a Payment Order.
7. According to the information contained in the application and supporting documents, the Respondents had unpaid rent of £2,815.00 at the time of the application. The arrears have increased since then, however the Applicant failed to serve notice of an application to amend the sum sued for to represent the up-to-date rent arrears in time, i.e., not later than 14 days before today's discussion.
8. It was explained to Mr Hogg that he could ask for an adjournment to allow service on the Respondents of the updated rent arrears account and the application for an amendment in the sum sued for or proceed today and make another application for any rent arrears accrued since this application was made. Mr Hogg requested that the matter be dealt with today. He sought a Payment Order in the sum of £2,815.00.
9. It is clear that the Respondents made attempts to bring the rent account up to date from time to time however it nonetheless remains clear that the arrears are substantial and have remained over a considerable period of time.
10. The Respondents have not engaged with the Housing and Property Chamber in anyway which means that there is no challenge to the application. The Respondents have been properly served with a copy of the application, alongwith itemised schedules of rent arrears as evidenced by the Certificate of Service by Sheriff Officers. Having considered all the information, individually

and in the round, I have decided to make a Payment Order in the sum of £2,815.00.

### **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.**

**L A Mullholland**

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Legal Member/Chair

24 February 2023  
Date