



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

**Chamber Ref: FTS/HPC/CV/23/0535**

**Re: Property at 57 Lothian House, 124 Lothian Road, Tollcross, Edinburgh, EH3 9DD (“the Property”)**

**Parties:**

**Mr Michael Spiller, Mrs Pamela Spiller, 20c West Bay Road, North Berwick, EH39 4AW (“the Applicants”)**

**Mr Simon Owen, 57 Lothian House, 124 Lothian Road, Tollcross, Edinburgh, EH3 9DD (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Order for Payment against the Respondent in favour of the Applicants in the sum of £3,475.**

**Background**

1. The Applicants submitted an application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicants sought an order for payment in respect of rent arrears said to have been incurred by the Respondent.
2. By decision dated 13 March 2023, a Convenor of the Housing and Property Chamber, having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. The Notice of Acceptance was intimated to the Applicants’ representative on 13 March 2023. The Tribunal assigned a CMD for 6 June 2023 and intimated the details of that CMD to the parties. On the application of the Respondent,

the Tribunal postponed the CMD and assigned a new CMD for 3 August 2023 at 10am.

4. On 30 May 2023, the Tribunal received an email from the Applicants' representative seeking to increase the sum sued for to £3,525 and enclosed an updated rent statement.
5. On 1 August 2023, the Tribunal received an email from the Respondent's representative advising that the Respondent had passed away.

### **The case management discussion**

6. The CMD took place by conference call. The Applicants were represented by Mrs Victoria Sanderson. The discussion proceeded in the absence of the Respondent's representative. The Applicants' representative explained that the Respondent's mother has been in contact with her office, although she has not yet had sight of a death certificate. The Respondent made a recent payment to the rent account, thus reducing the rent arrears to £3,475. The Applicants sought an order in that sum.

### **Findings in Fact**

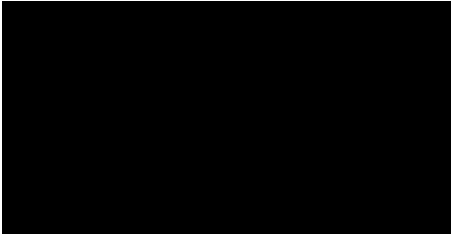
7. The parties entered into a private residential tenancy which commenced 16 March 2019.
8. The contractual monthly rent was £775 per month, in advance.
9. The Respondent incurred rent arrears of £3,475.

### **Reason for Decision**

10. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The email correspondence lodged indicated that the Respondent accepted that he owed arrears of rent and that he proposed to repay that. The Tribunal was satisfied that the Respondent had incurred rent arrears.

## **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.**



3 August 2023

Date