



**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/23/0818**

**Re: Property at 40 Gellyburn Road, Perth, PH1 3LE (“the Property”)**

**Parties:**

**Mr Ronald Bruce Edwards, Mrs Moira Agnes Edwards, 1 Mapledene Road, Scone, Perth, PH2 6NX; 2 Mapledene Road, Scone, Perth, PH2 6NX (“the Applicants”)**

**Mr Scott Shepherd, Mrs Kerry Shepherd, 40 Gellyburn Road, Perth, PH1 3LE (“the Respondents”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Sandra Brydon (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Order for Payment against the Respondents in favour of the Applicants in the sum of £10,080.**

**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 Respondents.
2. By decision dated 9 May 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 Tribunal intimated the application to the parties by letter of 22 June 2023 and advised them of the date, time and conference call details of today’s CMD.

In that letter, the parties were also told that they required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondents were invited to make written representations by 13 July 2023. No written representations were received from the Respondents.

### **The case management discussion**

4. The CMD took place by conference call. The Applicants were represented by Mr Paul McGregor, solicitor. The First Respondent joined the conference call and represented himself and the Second Respondent. This case called alongside a related case which proceeds under chamber reference FTS/HPC/EV/23/0808. The Applicants' representative explained that the rent arrears have increased to £10,080.
5. The First Respondent accepted that the rent arrears have increased to £10,080 and consented to an order being granted in that sum. He explained that he has secured a new job and can pay ongoing rent plus £140 per month until the Respondents move out of the property.

### **Findings in Fact**

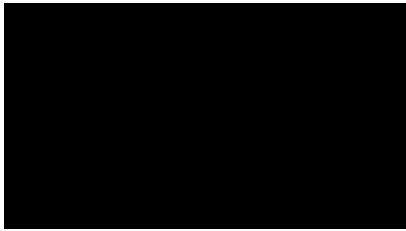
6. The parties entered into a private residential tenancy which commenced 1 November 2019.
7. The contractual monthly rent was £462, payable in advance.
8. The Respondents owe the Applicants £10,080 in respect of rent arrears.

### **Reason for Decision**

9. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondents accept that they owe rent arrears of £10,080. In light of that, the Tribunal allowed the Applicants to amend the sum sued for to reflect the up to date balance of rent arrears and thereafter granted an order in that sum.

## **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