



**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/23/2059**

**Re: Property at 15 Eglinton Street, Irvine, KA12 8AX (“the Property”)**

**Parties:**

**Mr David Bratchie, 16 Seagate, Irvine, KA12 8RH (“the Applicant”)**

**Miss Sophie Kirkwood, 15 Eglinton Street, Irvine, KA12 8AX (“the Respondent”)**

**Tribunal Members:**

**Nairn Young (Legal Member) and Mary Lyden (Ordinary Member)**

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

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

- Background

This is an application for an order for payment of rent arrears alleged to be owed by the Respondent in terms of her private residential tenancy agreement with the Applicant. It called for a case management discussion (‘CMD’) at 10am on 21 September 2023, by teleconference. The Applicant was represented on the call by Ms Thomson, of Taylor & Henderson, solicitors. Mr Colquhoun, also from that firm, was observing. The Respondent did not phone in to the call and was not represented. The commencement of the CMD was delayed by 10 minutes to allow for any technical issue she may have been experiencing, but there remained no contact from her.

Notice of the CMD was served on the Respondent by sheriff officers on 21 August 2023. The Tribunal considered that the Respondent had had notice of the CMD taking place and had chosen not to attend. The Tribunal therefore considered that it was fair to proceed in the Respondent's absence.

- Findings in Fact

The case is unopposed. The following are the relevant facts set out in the application upon which the Tribunal made its decision:

1. The Applicant lets the Property to the Respondent in terms of a private residential tenancy with a start date of 5 October 2021.
2. In terms of that agreement, rent of £415 is due on the fifth day of each month.
3. As at the date of the CMD the Respondent was in arrears of rent of more than £4,150.

- Reasons for Decision

4. The Applicant had applied to the Tribunal for permission to allow him to amend the application to seek the increased sum of £4,150. No opposition was received to that and the Tribunal granted the application. The Applicant made a further verbal application at the CMD to increase the sum sought again to £4,980. No notice of the proposed amendment had been given in terms of rule 14A and the Applicant confirmed he would prefer to drop the application, rather than seek an adjournment to allow the requisite 14 days notice to be given to the Respondent.
5. The sum sought, as amended, is owed by the Respondent to the Applicant and an order for payment for that amount should therefore be granted.

- Decision

**Order made for payment by the Respondent to the Applicant of the sum of FOUR THOUSAND, ONE HUNDRED AND FIFTY POUNDS STERLING (£4,150).**

### **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.**



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**Legal Member/Chair**

**21 September 2023**

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**Date**