



**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/23/2305**

**Re: Property at 10D Gibraltar Road, Dalkeith, EH22 1DZ (“the Property”)**

**Parties:**

**Mrs Lynn McNeill, 7 Quarryfoot Green, Bonnyrigg, EH19 2EJ (“the Applicant”)**

**Mrs Pauline Black, Miss Rebecca Black, Mr Mark Black, 10D Gibraltar Road, Dalkeith, EH22 1DZ; 10D Gibraltar Road, Dalkeith, EH22 1DZ; 10D Gibraltar Road, Dalkeith, EH22 1DZ (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application in the sum of £3,640,36.**

**Background**

[1] The Applicant seeks a Payment Order for rent arrears said to have been accrued by the Respondents under a tenancy between the parties. The Application is accompanied by a copy of the tenancy agreement and rent statements.

**The Case Management Discussion**

[2] The Application called for a Case Management Discussion (CMD) by conference call at 2pm on Monday 4 September 2023. The Applicant was represented by Mr Neil Reid

of Neil Reid Property. The Respondents were neither present nor represented. The Application and information about how to join the CMD had been served on the Respondents by sheriff officers and so the Tribunal decided to proceed in their absence.

[3] Having heard from Mr Reid, the Tribunal made the following findings in fact.

### **Findings in Fact**

- I. *The parties entered into a tenancy agreement whereby the Applicant let the Property to the Respondents by virtue of a Private Residential Tenancy;*
- II. *The Respondents fell onto rent arrears and the sum of £3, 640,36 remains lawfully due as rent arrears to the Applicant by the Respondent but remains unpaid.*

### **Decision**

[4] Having made the above findings in fact, the Tribunal granted the Application to the extent of making a Payment Order in favour of the Applicant against the Respondents in the sum of £3, 640,36

### **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.**

**Andrew McLaughlin**

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**Legal Member/Chair**

**4 September 2023**

**Date**