



**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 (Act)**

**Chamber Ref: FTS/HPC/CV/22/2582**

**Re: Property at Wellbank Cottage, Gullane, EH31 2AT (“the Property”)**

**Parties:**

**Bryce Houstoun Property LTD, 5 Stenhousemill Wynd, Edinburgh, EH11 3XX (“the Applicant”)**

**Ms Susan Macauley, Wellbank Cottage, Gullane, EH31 2AT (“the Respondent”)**

**Tribunal Members:**

**Alan Strain (Legal Member) and Ahsan Khan (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment be granted in the sum of £11,866 with interest at the rate of 8% per annum.**

This is an application under Rule 111 of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (Rules)* and section 71(1) of the Act for an order for payment in respect of alleged rent arrears.

The Tribunal had regard to the following documents:

1. Application dated 28 July 2022;
2. PRTA commencing 26 September 2019;
3. Rent Statement;
4. Written Representations from the Respondent dated 12 October 2022;
5. Written Representations from Applicant dated 24 October 2022;
6. Direction and CMD Note dated 1 November 2022;
7. Applicant’s 3 Inventories of Productions;
8. Hearing Notification by email and letter to the Respondent dated 20 December 2022;
9. Application to amend dated 27 January 2023 with updated rent statement.

## **Hearing**

The case called for a Hearing by conference call on 17 February 2023. The Applicant participated and were represented by their solicitor. The Respondent did not participate and was not represented.

The Tribunal delayed the start of the CMD to see if the Respondent would participate but she did not.

The Tribunal were satisfied that the Respondent had received notification of the Hearing and that the notification also advised the Respondent that she should attend.

The Tribunal accordingly proceeded with the Hearing.

The Tribunal heard from the Applicant's solicitor who spoke to the arrears and the application to amend to increase the sum sued for to £11,866.

The Tribunal then considered the documentary evidence it had received and the submissions made. In so far as material the Tribunal made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 26 September 2019;
2. The monthly rent was £1295;
3. As at the date of the Hearing the Respondent was in arrears of rent in the sum of £11,866;
4. The Respondent had received notification of the application to amend on 27 January 2023;
5. The PRTA contractually entitled the Applicant to interest on rental arrears at the rate of 8% per annum.

## **Decision and Reasons**

The Tribunal was satisfied that in the circumstances the Applicant was due the outstanding rent from the Respondent (as amended) and granted the order sought.

## **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.**

**17 February 2023**

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**Legal Member/Chair**

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**Date**