



**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/23/0703**

**Re: Property at 1/6 Hutchison Park, Edinburgh, EH14 1RG (“the Property”)**

**Parties:**

**Miss Shona Hogg, 12 Robertson Avenue, Prestonpans, EH32 9AL (“the Applicant”)**

**Mr Christopher Derwin, Miss Chantelle Brown, 1/6 Hutchison Park, Edinburgh, EH14 1RG (“the Respondent”)**

**Tribunal Members:**

**Alan Strain (Legal Member) and Elizabeth Currie (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 £4,350.00.**

**Background**

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 in respect of a claim for payment of alleged rent arrears.

The Tribunal had regard to the following documents:

1. Application received 14 February 2023;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 25 July 2020;
3. Pre-Action Letters of 5 September 2022 and 20 October 2022;
4. Rent Arrears Statements at date of service of Notice to Leave and CMD;
5. Sheriff Officer Certificate of Service of Tribunal CMD Notification on Respondent dated 17 April 2023;

6. Written Representations from the Applicant dated 27 March and 7 May 2023 enclosing up to date statement of rent arrears.

### **Case Management Discussion (CMD)**

The case called for a CMD by conference call on 19 May 2023. The Applicant did not participate but was represented by her father. The Respondents did not participate and were not represented.

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

The Tribunal were satisfied that the Respondents had received notification of the Case Management Discussion and that the Tribunal could determine the matter if it considered it had sufficient information to do so and the procedure was fair. The notification also advised the Respondents that they should attend and the Tribunal could determine the matter in absence if they did not.

The Applicant's Representative confirmed that the amount of arrears had increased to £4,350 (under deduction of the amount an order had already been obtained for in the sum of £2,815).

He sought the Tribunal's permission to amend the sum sued for.

The Tribunal granted this request and amended the sum sued for to £4,350.

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 25 July 2020;
2. The monthly rent was £695;
3. As at the date of the CMD the Respondents were in arrears of rent in the sum of £4,350.

### **Decision and Reasons**

The Tribunal was satisfied that in the circumstances the Applicant was due the outstanding rent from the Respondent 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.**

**Alan Strain**

**19 May 2023**

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**Legal Member/Chair**

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**Date**