

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)**

**Chamber Ref: FTS/HPC/CV/22/0169**

**Re: Property at 118 Craighour Drive, Little France, Edinburgh, EH17 7NT (“the Property”)**

**Parties:**

**Ms Heidi Grant, 26 Wedale View, Stow, Galashiels, TD1 2SJ, (“the Applicant”)per her agents, Belvoir Edinburgh, 28-28A Dunas Street, Edinburgh, EH3 6JN (“the Applicants’ Agents”)**

**Ms Debbie McKay, 118 Craighour Drive, Little France, Edinburgh, EH17 7NT (“the Respondent”)**

**Tribunal Members:**

**Karen Moore (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 an Order for payment in the sum of SIX THOUSAND SIX HUNDRED AND FIFTY POUNDS (£6,650.00) Sterling**

1. By application received between 19 January 2022 and 22 February 2022 (“the Application”), the Applicant’s Agents applied to the Tribunal for an Order for payment of rent arrears arising from a tenancy between the Parties. The Application comprised statements of rent of £6,850.00 due and owing to February 2022, copy tenancy agreement and copy correspondence between the Applicant’s Agents and the Respondent. The Application was accepted by the Tribunal and a Case Management Discussion (the “CMD”) was fixed for 10 June 2022 at 10.00 am by telephone conference. The CMD was intimated to the Parties and, in particular, was served on the Respondent by Sheriff Officer on 10 May 2022.

**CMD**

2. The CMD took place on 10 June 2022 at 10.00 am by telephone. The Applicant did not take part and was represented by Mrs. Lisa Chisholm and Ms. Zoe Thompson of

the Applicant's Agents. The Respondent did not take part and was not represented. She did not submit any written representations.

3. Mrs. Chisholm and Ms. Thompson explained the rent statements to the Tribunal. It was confirmed that rent arrears began to accrue shortly after the tenancy began and that no rent was paid for a six-month period from April to September 2021. Mrs. Chisholm and Ms. Thompson explained that the Respondent had been in receipt of Universal Credit at the start of the tenancy in December 2020, that this had stopped in March 2021 and restarted in October 2021. The amount of Universal Credit is £825.00 being £50.00 less than the monthly rent of £875.00, and so rent arrears continue to accrue. Mrs. Chisholm accepted that although further rent had fallen due, the Application had not been amended for the greater sum.

### **Findings in Fact**

4. From the Application and the CMD, the Tribunal made the following findings in fact: -
  - i) There is a tenancy of the Property between the Parties at a monthly rent of £875.00.
  - ii) Rent amounting to £6,650.00 to the end of February 2022 is outstanding and due and owing by the Respondent to the Applicant.

### **Decision**

5. Having made those findings, the Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal "may do anything at a case management discussion .....including making a decision" and so proceeded to make an order for payment in the sum of £6,650.00.

### **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.**

Karen Moore

10 June 2022

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**Legal Member/Chair**

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**Date**