



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014**

**Chamber Ref: FTS/HPC/CV/20/1148**

**Re: Property at 31 Maplewood Park, Edinburgh, EH12 8WU (“the Property”)**

**Parties:**

**Ms Christina Macleod, c/o DJ Alexander Lettings Ltd, 1 Wemyss Place, Edinburgh, EH3 6DH (“the Applicant”)**

**Mr John Lindsay, 31 Maplewood Park, Edinburgh, EH12 8WU (“the Respondent”)**

**Tribunal Members:**

**George Clark (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £15,050.**

**Background**

By application, received by the Tribunal on 5 May 2020, the Applicant sought an Order for Payment in respect of unpaid rent for the Property that had become lawfully due by the Respondent to the Applicant. The sum sought was £8,600.

The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties commencing on 23 September 2019 at a rent of £2,150 per month and a Rent Statement at 5 May 2020, showing arrears of £8,600, the last rental payment having been for the period to 22 January 2020.

On 17 July 2020, the Tribunal advised the Parties of the date and time of a Case Management Discussion and the Respondent was invited to make written representations by 7 August 2020. The Respondent did not make any written representations to the Tribunal. On 9 August 2020, the Applicant’s representative provided the Tribunal with an updated Rent Statement showing the arrears at £15,050, with no payments having been received since the date of the application.

### **Case Management Discussion**

A Case Management Discussion was held by way of a telephone conference call on the afternoon of 14 August 2020. The Applicant was represented by Miss Dayna Greeney of DJ Alexander Lettings Ltd, Edinburgh. The Respondent did not participate and was not represented at the Case Management Discussion. The Applicant's representative advised the Tribunal that no payments had been received since the date of the application and asked the Tribunal to accept the amendment to the application to increase the sum sought to £15,050 and to make an Order for Payment without a Hearing.

### **Reasons for Decision**

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required and that it could decide the application without a Hearing.

The Tribunal was satisfied that the amount sought had become lawfully due by the Respondent to the Applicant and remained unpaid. The Tribunal was prepared to accept the Applicant's request to amend the application to increase the amount sought.

### **Decision**

The Tribunal determined that the application should be decided without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £15,050.

### **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.**

George Clark

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Legal Member/Chair

14 August 2020  
Date