



**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/18/0969**

**Re: Property at 7/4 Dalgety Road, Edinburgh, EH7 5FP (“the Property”)**

**Parties:**

**PAR Investments Ltd Resi III, care of Direct Lettings Scotland Ltd, 5-6 Melville Place, Edinburgh, EH3 7PR (“the Applicant”)**

**Ms Jane-Marie Cochran, 7/4 Dalgety Road, Edinburgh, EH7 5FP (“the Respondent”)**

**Tribunal Members:**

**Lesley Ward (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondent shall make payment to the applicant the sum of two thousand two hundred and fifty pounds (£2250) sterling.**

This was a case management discussion in connection with an application in terms of Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, ‘the Rules’ and s16 of the Housing (Scotland) Act 2014 in respect of rent arrears for the property at 7/4 Dalgety Road, Edinburgh EH7 5FP.

The application was made to the Tribunal on 19 April 2018 by Miss Rosie Seaward solicitor of Ennova Law on behalf of PAR Investments Ltd Resi III, the landlord for the property. The tenant Ms Jane-Marie Cochran received intimation of today’s hearing by sheriff officer on 9 July 2018. The tribunal had before it the following copy documents:

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1. Application dated 18 April 2018 and received by the Tribunal on 19 April 2018.
2. Rent statement for period 10 October 2017 until 10 March 2018.
3. Tenancy agreement dated 10 October 2017.
4. Sheriff Officer's execution of service on respondent dated 9 July 2018.

The tribunal was satisfied that the respondent had received appropriate notice of the case management discussion in terms of Rule 24. The tribunal proceeded with the case management discussion and heard submissions from Miss Seaward regarding the rent statement and how the arrears are calculated.

The rental for the period from 10 October 2017 until 10 March 2018 was £5100 as the monthly payment in terms of the lease is £850. According to the rent statement the respondent has paid £2850 and therefore the arrears are £2250. The tribunal is satisfied according to the information available to the tribunal, the arrears as at the 10 March 2018 stand at £2250 and accordingly the tribunal made an order for payment of this sum.

The tribunal is satisfied that it has sufficient information before it today to make a decision. The tribunal is satisfied that the procedure has been fair and it is proportionate to make a decision today in line with the overriding objective.

The tribunal did not consider that any award of expenses was appropriate given that this is the first calling of the case management discussion. Miss Seaward made no motion for expenses.

### **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.**

# Lesley Ward

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Lesley A Ward Legal Member

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Date 9 August 2018.

\*Insert or Delete as required