

**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) under Section 16 of the Housing (Scotland) Act 2014**

**Chamber Ref: FTS/HPC/CV/18/2931**

**Re: Property at 93/4 Milton Road East, Edinburgh, EH15 2NL (“the Property”)**

**Parties:**

**Lowther Homes Limited, 25 Cochrane Street, Glasgow, G1 1HL (“the Applicant”)**

**Mr Craig McKay, 93/4 Milton Road East, Edinburgh, EH15 2NL (“the Respondent”)**

**Tribunal Members:**

**Colin Dunipace (Legal Member)**

**Decision in absence of the Respondent**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order should be made in favour of the Applicants for payment to them by the Respondents in the sum of Six Thousand One Hundred and Thirteen Pounds and 28 pence (£6,113.28) Sterling.**

**Background**

**This matter called before me as a Case Management Discussion in George House, George Street, Edinburgh on 7 January 2019. The Applicants were represented at this Discussion by Mr McKendrick, Solicitor, of Messrs TC Young. The Respondent was not present or represented at this Discussion. Given the non-attendance of the Respondent I considered the question of Service and noted that lawful service had been effected by Sheriff Officers on 6 December 2018. In these circumstances I was satisfied that the Discussion might proceed in the absence of the Respondent.**

**Having heard submissions from Mr McKendrick I noted that the Repondent had initially been paying rent in respect of the Short Assured Tenancy**

Agreement which had been entered into between the parties on 25 March 2011 in relation to the subject property. I noted that the Respondent had initially made payment of the sums due in respect of the property in the sum of £630 per month until 1 April 2018. The Respondent had made no payments thereafter in relation to rent from 1 May 2018 until 30 December 2018. No explanation had been offered in relation to this non-payment and there had been no contact from the respondent in this regard. The outstanding sum due in respect of rent to date was in the sum of Six Thousand One Hundred and Thirteen Pounds and 28 pence (£6,113.28) Sterling.

### Decision

Having heard the submissions of the Applicant's representative I was satisfied that it was appropriate to make an Order at this stage and that a full Hearing was not necessary. I was satisfied that the Applicants had established the factual position to a sufficient standard and as such determined that the Order as craved should be granted.

### 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.

C.Dunipace

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Legal Member

*CD*

7/1/19  
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Date