



**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/19/2208

Re: Property at 161A High Street, Dunbar, EH42 1ES (“the Property”)

Parties:

**Mr Gordon Edgar, Mrs Judith Edgar, 4 McDonald Place, Edinburgh, EH7 4NH
 (“the Applicants”)**

**Mrs Elaine Stewart aka Coulter, 161A High Street, Dunbar, EH42 1ES (“the
 Respondent”)**

Tribunal Members:

Nicola Irvine (Legal Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
 Tribunal”) granted an order for payment against the Respondent in the sum of
 £1,575**

Background

The Applicants submitted an application seeking an order for payment in the sum of £1,575. That sum related to arrears of rent in respect of the Respondent’s tenancy of the property at 161A High Street, Dunbar. The Tribunal intimated the application to the parties by letter of 28th August 2019 and advised them of the date, time and place of today’s case management discussion. In that letter, the parties were also told that they required to attend the hearing and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient

information and considers the procedure to have been fair. The Respondent was invited to make written representations by 18th September 2019. No written representations were received by the Tribunal.

The Case Management Discussion

Mr Edgar was present and was accompanied by his letting agents, Ms. Linda Wilson and Ms Claire Wilson. The case management discussion proceeded in the absence of the Respondent. Mr Edgar advised that the Respondent has not been in touch with him since he submitted the present application and no further payments have been made by the Respondent. He advised that the rent arrears have increased to £3,150. The Tribunal advised that the Respondent has only had notice of the claim for £1,575 and there has been no formal application to amend the sum sought.

Findings in Fact

1. The parties entered into a Tenancy Agreement dated 22nd December 2014. The period of the tenancy was from 22nd December 2014 to 23rd June 2015. Thereafter, the tenancy continued on a monthly basis.
2. The rent payable was £525 per month, payable in advance.
3. As at the date of presentation of the application, the rent arrears amounted to £1,575.
4. The Applicants are entitled to the Order sought for payment in the sum of £1,575.

Reason for Decision

The Applicants have produced a rent statement which shows that the rent arrears amounted to £1,575 at the time the present application was presented. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Tribunal was satisfied that rent arrears are due by the Respondent and therefore granted the order for payment.

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.

Nicola Irvine

Legal Member/Chair

8th October 2019

Date