



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (Act)**

**Chamber Ref: FTS/HPC/CV/22/1507**

**Re: Property at 29 Smithy Green Avenue, Danderhall, Midlothian, EH22 1LP (“the Property”)**

**Parties:**

**Ms Mary Douglas, 1 Norton Avenue, Sale, Cheshire, M33 5HE (“the Applicant”)**

**Mr Grant Peters, Ms Sonya McDonald, 29 Smithy Green Avenue, Danderhall, Midlothian, EH22 1LP (“the Respondent”)**

**Tribunal Members:**

**Alan Strain (Legal Member) and Frances Wood (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 be granted in the sum of £10,275.**

**Background**

This is an application under Rule 111 of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (Rules)* and section 71(1) of the Act in respect of a claim for payment of alleged rent arrears, damages.

The Tribunal had regard to the following documents:

1. Application dated 9 June 2022;
2. PRTA commencing 6 December 2019;
3. Rent Statement as at 6 October 2022;
4. Sheriff Officer Certificate of Service of CMD Notification on 28 October 2022.

## **CMD**

The Applicant participated and represented herself. The Respondent did not participate and were not represented.

The Tribunal delayed the start of the CMD to see if the Respondent would participate but they did not.

The Tribunal were satisfied that the Respondent had received notification of the Case Management Discussion and that the Tribunal could determine the matter if it considered it had sufficient information to do so and the procedure was fair. The notification also advised the Respondent that they should attend and the Tribunal could determine the matter in absence if they did not.

The Tribunal heard from the Applicant in support of the application for payment. The Applicant explained that there were arrears of rent in the sum of £10,275 as at 6 October 2022 and these would increase to £12,225 as at 6 December 2022.

The Tribunal explained that if it was satisfied the rent arrears were due it could only grant an order for payment in the amount that had been notified to the Respondent as being sought under the application. The most recent notification was in the sum of £10,275 on 6 October 2022.

The Applicant sought an order for payment in the sum claimed due as at 6 October 2022.

The Tribunal then considered the documentary evidence it had received and the submissions made. In so far as material the Tribunal made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 6 December 2019;
2. The monthly rent was £975;
3. As at 6 October 2022 the Respondent were in arrears of rent in the sum of £10,275.

## **Decision and Reasons**

The Tribunal was satisfied that in the circumstances the Applicant was due the outstanding rent from the Respondent and granted the order sought.

## **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.**

**Alan Strain**

**01/12/2022**

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**Legal Member/Chair**

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**Date**