



**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/22/2453**

**Re: Property at 2 (2F3) Bath Street, Edinburgh, EH15 1EY (“the Property”)**

**Parties:**

**The Eden Portfolio Limited, 5th Floor Quartemile Two, 2 Lister Square,  
Edinburgh, EH3 9GL (“the Applicant”)**

**Miss Rebecca Pope, 11 Northfield Avenue, Edinburgh, EH8 7PR (“the  
Respondent”)**

**Tribunal Members:**

**Richard Mill (Legal Member)**

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

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a payment order be made against the Respondent requiring payment to the Applicant in the sum of Four Thousand Four Hundred and Ninety Seven Pounds and Twelve Pence (£4,497.12)

**Introduction**

This is an application under Rule 70 in which the applicant seeks a Payment Order to recover arrears of rent. The proceedings are not opposed.

Service of the application and intimation of the Case Management Discussion (CMD) was lawfully made upon the respondent by Sheriff Officers on 28 October 2022.

The CMD took place by teleconference on 6 December 2022 at 2.00 pm. The applicant’s interests were represented by Mrs Gemma Waters of Cairn Letting & Estate Agency. The respondent failed to participate in the teleconference hearing. There was no known barrier to her doing so.

## Findings and Reasons

The property is 2 (2F3) Bath Street, Edinburgh EH15 1EY.

The applicant is the Eden Portfolio Limited. The company is the heritable proprietor of the property. The respondent is Ms Rebecca Pope.

A short assured tenancy was entered into between the former heritable proprietor of the property, namely Mr David Dinse care of Stephen MacIntyre & Co Ltd, but the property was sold with the respondent in occupation of the property in 2017. The short assured tenancy commenced on 14 March 2014. Rent was stipulated at £750 per month. A rent increase, applicable from 14 June 2019 increased the monthly rent from £750 to £800.

After the service of a notice to quit the respondent voluntarily vacated the property on 2 March 2022.

During the duration of the lease the respondent failed to make all relevant payments of rent. She stopped paying rent in July 2021. A rent statement vouching the arrears has been produced which discloses the details of the arrears. The total arrears as at the end of the lease totalled £5,247.12. The tribunal found this unchallenged documentary evidence credible and reliable and attached weight to it.

A deposit was paid in the sum of £750. A request has been made by the applicant for return of this in part payment of the rent arrears. In the circumstances the applicant's representative sought to restrict the sum sought to £4,497.12, representing the total amount due less the deposit to be returned.

The applicant is entitled to recover arrears of rent lawfully due under the lease.

A Payment Order is necessary as the respondent refuses or unreasonably delays to make the necessary rent payments due to the applicant. The respondent has not made a time to pay direction application.

### **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.**

Richard Mill

6 December 2022

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Legal Member/Chair

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Date