



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

**Chamber Ref: FTS/HPC/CV/23/3816**

**Re: Property at 9 George Terrace, Loanhead, Midlothian, EH20 9JZ (“the Property”)**

**Parties:**

**Fawcett and Madge Limited, 34 Muir Wood Drive, Edinburgh, EH14 5EZ (“the Applicant”)**

**Miss Emma Sheridan, 9 George Terrace, Loanhead, Midlothian, EH20 9JZ (“the Respondent”)**

**Tribunal Members:**

**Andrew Upton (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent is liable to make payment to the Applicant in the sum of FIVE THOUSAND SIX HUNDRED AND NINETY-FIVE POUNDS (£5,695.00) STERLING.**

**Statement of Reasons**

1. This Application called for its Case Management Discussion by teleconference call on 26 March 2024. The Applicant was represented by Mr Fortune. The Respondent was not present or represented.
2. In this Application, the Applicant seeks payment of the sum of £5,695, which it contends are due in rent arrears. The Applicant contends that it is the landlord, and the Respondent the tenant, of the Property under and in terms of a Private Residential Tenancy Agreement. The Respondent is under a contractual obligation to pay rent to the Applicant in the sum of £850 per

calendar month. The Applicant says that the Respondent has not made any payments since May 2023, and is in arrears in the total sum of £5,695.

3. In terms of Rule 17(4) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017, the Tribunal may do anything at a Case Management Discussion that it may do at a Hearing including make a Decision. In terms of Rule 2, the Tribunal must have regard to the overriding objective to deal with proceedings justly when making a Decision, including the need to avoid unnecessary delay.
4. The Respondent has received service of the Application and notification of the CMD. She has chosen not to lodge written representations disputing the allegations made against her in the Application, and has also chosen not to attend the CMD to object to the Application. In the circumstances, the Tribunal is satisfied that the Respondent does not dispute that she is in rent arrears of £5,695. There is accordingly no requirement to fix a Hearing. The Tribunal is content to make a Decision.
5. In the circumstances, the Tribunal is satisfied that the Respondent is liable to the Applicant in the sum of £5,695, being rent arrears due by the Respondent to the Applicant up to the date of lodging the Application, which was 27 October 2023. The Tribunal will therefore make a payment order in that sum.

### **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.**

Andrew Upton

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**Legal Member/Chair**

26 March 2024

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**Date**