



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for
Scotland Housing and Property Chamber Rules of Procedure 2017**

Chamber Ref: FTS/HPC/CV/19/3495

**Re: Property at 23 Kirklands Park Street, Kirkliston, Edinburgh, EH29 9EY (“the
Property”)**

Parties:

**Home Group Limited, 2 Gosforth Park Way, Gosforth Business Park, Newcastle
Upon Tyne, NE12 8ET (“the Applicant”)**

**Ms Tracey Scott, formerly residing at 23 Kirklands Park Street, Kirkliston,
Edinburgh, EH29 9EY and whose current whereabouts are unknown (“the
Respondent”)**

Tribunal Members:

Fiona Watson (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order is granted against the Respondent for
payment of the undernoted sum to the Applicant(s):**

**Sum of SIX THOUSAND EIGHT HUNDRED AND NINETY-NINE POUNDS AND
FIFTY-EIGHT PENCE (£6,899.58) STERLING**

- Background

An application dated 29 October 2019 was submitted to the Tribunal under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondent in relation to rent arrears accrued under a private residential tenancy agreement.

- The Case Management Discussion

A Case Management Discussion took place on 14 February 2020. The Applicant was represented by Kirsty Morrison, TC Young. There was no appearance by or on behalf of the Respondent. The application had been intimated on the Respondent by way of website advertisement between 10 January 2020 and 14 February 2020, due to a previous attempt at Sheriff Officer service having been unsuccessful. The Tribunal was accordingly satisfied that the CMD could proceed in the Respondent's absence.

A separate application by the Applicant seeking a repossession order against the Respondent under Rule 109 of the Rules and under case reference FTS/HPC/EV/19/3493 was heard at the same time.

The Applicant's representative moved for the order for payment to be granted in the sum of £6,899.58. The parties had entered into a Private Residential Tenancy Agreement. The Respondent had failed to make payment of rent and at the time of submitting the application had fallen into arrears amounting to £3836.10. Since submitting the application, the arrears had increased. The applicant submitted an application to amend the sum sought under Rule 14A of the Rules and which sought to amend the sum to £6904.98. Said application was dated 15 January 2020. A copy of said amendment application had been intimated by letter to the Respondent. At the date of the CMD, the arrears were standing at the slightly lower amount of £6899.58 which was due to a manual adjustment to service charges applied to the account.

- Findings in Fact

The Tribunal made the following findings in fact:

1. The parties entered into a Private Residential Tenancy Agreement ("the Agreement") which commenced 15 December 2017;
2. In terms of Clause 8 of the Agreement, the Respondent was obliged to pay a monthly rent of £767.22 to the Applicant;
3. The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £6899.58.

- Reasons for Decision

The Tribunal was satisfied that the Applicant was entitled to the sum as sought. The Respondent was obliged to make payment of rent in the sum of £767.22 per month under Clause 8 of the Agreement and had failed to do so. She had accrued arrears amounting to £6,899.58 and which fell lawfully due to be repaid to the Applicant.

Accordingly, the Applicant was entitled to the Order for Payment as sought.

- Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent(s) for payment of the undernoted sum to the Applicant(s):

Sum of SIX THOUSAND EIGHT HUNDRED AND NINETY-NINE POUNDS AND FIFTY-EIGHT PENCE (£6,899.58) STERLING

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.

F.Watson

Legal Member/Chair

Date

14/2/2020