



**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/19/3774**

**Re: Property at 161a High Street, Dunbar, East Lothian, EH42 1ES (“the  
Property”)**

**Parties:**

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

**Mrs Elaine Stewart, UNKNOWN, UNKNOWN (“the Respondent”)**

**Tribunal Members:**

**Graham Harding (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that the Applicant was entitled to an order for payment  
by the Respondent in the sum of £1575.00**

**Background**

1. By application dated 24 November 2019 the Applicant applied to the Tribunal for an order for payment by the Respondent in respect of alleged rent arrears arising from the Respondents tenancy of the property. The Applicant provided the Tribunal with a copy of the tenancy agreement, a rent statement and a copy of a previous Tribunal decision involving the parties under Case Reference FTS/HPC/CV/19/2208 in support of the application.
2. By Notice of Acceptance dated 19 December 2019 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion was assigned.

3. Intimation of the Case Management Discussion was sent to the Applicant by post. As the address of the Respondent was unknown intimation to her was carried out by way of advertisement on the First-tier Tribunal for Scotland Housing and Property Chamber website between 20 January and 24 February 2020. A Certificate of advertisement dated 24 February 2020 was submitted to the Tribunal dated 24 February 2020

### **The Case Management Discussion**

4. A Case Management Discussion was held at Dunbar Town House, High Street, Dunbar on 24 February 2020. It was attended by Mr Gordon Edgar for the Applicant and Ms Linda Wilson of the Applicant's Letting Agents on behalf of the Applicant. The Respondent did not attend nor was she represented. The Tribunal on being satisfied that proper intimation had been given to the Respondent by way of advertisement on the Housing and Property Chamber website determined to proceed in her absence.
5. Mr Edgar referred the Tribunal to the Tenancy agreement and confirmed that the tenancy had been a Short Assured Tenancy that commenced on 22 December 2014 and endured until 23 June 2015 and then from month to month thereafter at a rent of £525.00 per calendar month. Mr Edgar advised the Tribunal that the Respondent had moved out of the property without telling the letting agents or himself in about September 2019.
6. Ms Wilson referred the Tribunal to a previous decision of the Tribunal under Case reference FTS/HPC/CV/19/2208 in which the Applicant had been granted an order for payment in the sum of £1575.00 in respect of rent due by the Respondent for the months of April, May and June 2019. Ms Wilson explained the Applicant was now seeking an order for the remaining months the Respondent was in occupation of the property namely July, August and September 2019 and was seeking an order for payment of a further £1575.00. She confirmed she had prepared the rent statement submitted to the Tribunal with the application.

### **Findings in Fact**

7. The parties entered into a Short Assured Tenancy agreement that commenced on 22 December 2014 and endured until 23 June 2015 and from month to month thereafter at a rent of £525.00 per calendar month.
8. The Respondent accrued rent arrears amounting to £1575.00 between July and September 2019.

### **Reasons for Decision**

9. The Tribunal was satisfied from the documents submitted and the oral submissions that the parties entered into a Short Assured Tenancy

Agreement that commenced on 22 December 2019 at a rent of £525.00 per calendar month.

10. The Tribunal was also satisfied from the documents produced and the oral submissions that the Respondent failed to make any payment of rent for the months of July August and September 2019 thereby accruing rent arrears of £1575.00.
11. The Tribunal was therefore satisfied that the Applicant was entitled to the order sought.

### **Decision**

12. The Tribunal having considered the documents submitted by the Applicant together with the oral submissions finds the Applicant entitled to an order for payment by the Respondent in the sum of £1575.00.

### **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.**

G. Harding  
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Legal Member/Chair

24 February 2020  
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Date