



**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/19/3587**

**Re: Property at 7 Kidlaw Close, Edinburgh, EH16 6FT (“the Property”)**

**Parties:**

**Home Group Limited, 2 Gosforth Park Way, Gosforth Business Park, Gosforth,  
NewcastleTyne and Wear, NE12 8ET (“the Applicant”)**

**Mr John Welsh, 7 Kidlaw Close, Edinburgh, EH16 6FT (“the Respondent”)**

**Tribunal Members:**

**George Clark (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be granted without a Hearing and made an Order for payment by the Respondent to the Applicant of the sum of £5,428.04.**

**Background**

By application, received by the Tribunal on 6 November 2019, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant, the sum sought being £4,115.14.

The application was accompanied by copies of a Private Residential Tenancy Agreement between the parties, commencing on 1 June 2018, at a monthly rent of £657.11, and a Rent Statement showing arrears as at 1 November 2019 of £4,115.14.

On 20 December 2019, the Tribunal advised the Parties of the date, time and venue for a Case Management Discussion and the Respondent was invited to make written representations by 10 January 2020. The Respondent did not make any written representations to the Tribunal. On 8 January 2020, the Applicant’s representatives emailed the Tribunal requesting leave to amend the application to increase the

amount sought to £5,428.04 and confirmed having intimated the amendment to the Respondent by first class and recorded delivery post.

### **Case Management Discussion**

A Case Management Discussion was held at George House, 126 George Street, Edinburgh on the afternoon of 24 January 2020. The Applicant was represented by Kirsty Morrison of TC Young, solicitors, Glasgow. The Respondent was not present or represented. The Applicant's representative advised that no rent payments had been received since the date of the request for amendment and asked the Tribunal to make an Order for Payment without a Hearing.

### **Reasons for Decision**

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the 2017 Regulations") provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.

The Tribunal accepted the amendment under Rules 13 and 14 of the 2017 Regulations, as the request to amend had been received more than seven days prior to the Case Management Discussion and had been intimated to the Respondent.

The Tribunal was satisfied that the amount sought, as amended by the amendment requested on 8 January 2020 was lawfully due by the Respondent to the Applicant.

### **Decision**

The Tribunal determined that the application should be granted without a Hearing and made an Order for payment by the Respondent to the Applicant of the sum of £5,428.04.

### **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 Clark**  
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Legal Member/Chair

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24 January 2020  
Date