



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/CV/20/2585

Re: Property at 1/29 Heron Place, Edinburgh, EH5 1GG (“the Property”)

Parties:

**Dr Sarah Turner and Mr Mark Waugh, Riverside Cottage, Isle of Harris, HS3
3JQ (“the Applicant”)**

**Ms Louise Hanscombe, 1/29 Heron Place, Edinburgh, EH5 1GG (“the
Respondent”)**

Tribunal Members:

**Paul Doyle (Legal Member)
Ann Moore (Ordinary Member)**

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order for payment should be made.**

Background

The Applicant sought an order for payment of rental arrears totalling £9,600. The Applicant had lodged with the Tribunal Form F. The documents produced were a Tenancy Agreement dated 07 June 2019; a statement of arrears of rental and a Notice in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003. The applicant is the heritable proprietor of the Property.

Case Management Discussion

A Case Management Discussion took place before the Tribunal by telephone conference at 10.00am on 7 May 2021. Ms D Greeney represented the applicant. The hearing was delayed until 10.10am, but there was no appearance by or for the respondent.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Private Residential Tenancy Agreement for the Property dated 7 June 2019.
2. The rent in terms of the Tenancy Agreement was £1,200.00 per month.
3. The Respondent has failed to make payment of rent due since 07 September 2020. At the date of application, there were arrears of rental totalling £3,600.00. At today's date the rent arrears total £9,600.00
4. Relying on Rule 13(2)(a) of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, the applicant sought leave to amend the sum applied for by increasing the sum sought as arrears of rent to the correct figure of £9,600.00. That application is not opposed. The amendment of the sum sought is not a new matter and is simply a matter of arithmetic. The sum sought for arrears of rent is increased to £9,600.00.
5. Notice of the date of this hearing was served on the Respondent by sheriff officers on 9 April 2021. By email dated 30 April 2021 the respondent asked for a continuation of the Case Management Discussion so that she could seek advice and representation. By email dated 02 May 2021 the tribunal asked the respondent to provide detailed reasons for her application to continue the case management discussion and reminded the respondent to attend today's hearing so that she could ask for a postponement.
6. The respondent did not attend today's hearing. The respondent has not fully explained her request for a continuation. The respondent has not stated her opposition to the application. The respondent has had one calendar month to seek advice and representation. There is sufficient documentary evidence to allow this case to be justly determined today. The application to continue today's case management discussion is refused.

Reasons for the Decision

The Tribunal determined to make an Order for payment of £9,600. Rent was lawfully due in terms of clause 8 of the Tenancy Agreement at the rate of £1200.00 per month. No rent has been paid since September 2020. The respondent owes the applicant £9,600.00.

Decision

For the foregoing reasons, the Tribunal determined to make an Order for payment.

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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

P Doyle

Legal Member

Date 7 May 2021