



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 71(1) of the Private Housing
(Tenancies) (Scotland) Act 2016**

Chamber Ref: FTS/HPC/CV/20/0481

Re: Property at 185E St Michaels Street, Dumfries, DG1 2PP (“the Property”)

Parties:

Late Estate of Mr Athwal, Starvilla, 4 Annan Road, Dumfries, DG1 3AD (“the Applicant”)

Mr Adrian Robinson, 185E, St Michaels Street, Dumfries, DG1 2PP (“the Respondent”)

Tribunal Members:

Karen Kirk (Legal Member)

This Hearing was a Case Management Discussion fixed in terms of Rule 111 of the Procedure Rules and concerned an Application under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016 for civil proceedings in relation to a Private Residential Tenancy. The purpose of the Hearing being to explore how the parties dispute may be efficiently resolved. The purpose of the hearing was explained and it was understood a final decision on the Application could also be made. The Hearing took place by teleconference due to the covid-19 pandemic.

Attendance and Representation

The Applicant was present and unrepresented.

The Respondent was present and unrepresented.

Preliminary Matters

This Applicant had submitted an email and documents to the Tribunal setting out she sought to increase the order for payment sought from £1260 to £2693 and had

submitted an updated rent statement. This had been sent to the Respondent by first class recorded delivery post.

There were no other preliminary matters arising.

Matters Raised

The Tribunal confirmed with the Applicant's representative that they sought a payment order in terms of the Tenancy agreement lodged and dated 15th July 2016 for non payment of rent amounting to the amended sum of £2693. The rent evidence in the Application confirmed the Applicant's position and included recent evidence discussed.

The Respondent advised that he accepted he owed the rent sought. He told the Tribunal he had paid no rent since he had moved into the property. He said his financial circumstances were made worse by the covid-19 pandemic, debt and because he lost his job. He said he was not able to pay the full amount but said he would complete a Time to Pay application. He made no request regarding that. He indicated that the amount he would be able to offer was £80 per month. The Tribunal adjourned briefly to allow the caseworker of the Tribunal to attempt to complete an application with the Respondent but they were unavailable. The Respondent confirmed his admittance of the sum sought and said he would seek to complete an application for a Time to Pay after the hearing but he was unsure of the process or steps he may take regarding his multiple debts and the Tribunal noted he may seek advice. The Applicant made clear she was opposed to an offer the Respondent had discussed of £80 per month on the basis the debt would take over 6 years to clear.

There were no other matters arising.

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") granted an order against the Respondents for payment of the sum of £2693 to the Applicant, under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016.

Reasons for Decision and Findings in Fact

- 1. The Tribunal was satisfied that a decision could be made at the Case Management Discussion and that to do so would not be contrary to the interests of the parties having regard to the Overriding objective. The Respondent was in a position to accept the rent arrears to the sum of £2693, which was agreed by the Applicant. He said he had paid no rent since he moved into the property. He was consistent throughout the hearing that he owed the Applicant the sum sought.**

2. The Tribunal was satisfied that the relevant tenancy was in terms of the 2016 Act, a Private Residential Tenancy properly constituted and dated 12th December 2019. The Tribunal was further satisfied that the rent due was £420 per month and on the evidence before the Tribunal rental arrears had accrued in terms of this tenancy to the sum of £2693. Rental evidence had been lodged by the Applicant evidencing the rent due. Further the Respondent accepted the debt due.
3. Parties were in agreement that the Order sought at the hearing should be £2693.
4. Accordingly in terms of 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016 the Tribunal granted a payment order against the Respondent for the sum of £2693.
5. The Respondent indicated he may lodge a Time to Pay Application and the Tribunal advised he could do so after the Decision made.

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.

Karen Kirk

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4th September 2020

Legal Member/Chair

Date