



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Regulations”)**

**Chamber Ref: FTS/HPC/CV/24/4645**

**Re: Property at 4 Well Brae, Portlethen, Aberdeen, AB12 4WX (“the Property”)**

**Parties:**

**Mrs Adekemi Okorro, Mr Chinedu Okorro, 27 Woodall Close, Middleton, Milton Keynes, MK10 9JZ (“the Applicant”)**

**Mr Donald Cameron, 4 Well Brae, Portlethen, Aberdeen, AB12 4WX (“the Respondent”)**

**Tribunal Members:**

**Nicola Weir (Legal Member) and Frances Wood (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the Respondent in the sum of £5,800 should be made in favour of the Applicant.**

**Background**

1. By application received on 7 October 2024, the Applicant applied to the Tribunal for a payment order in the sum of £5,800 in respect of rent arrears against the Respondent and a second Respondent who was originally a joint tenant (subsequently removed from this application at the Case Management Discussion). Supporting documentation was submitted in respect of the application, including a copy tenancy agreement and rent statement. An application for eviction was submitted at the same time and was conjoined with this application.

2. Following initial procedure and further correspondence between the Tribunal and the Applicant, on 27 December 2024, a Legal Member of the Tribunal with delegated powers from the Chamber President issued a Notice of Acceptance of Application in terms of Rule 9 of the Regulations.
3. Notification of the application and details of the Case Management Discussion (“CMD”) fixed for 23 April 2025 was served on the Respondent by way of Sheriff Officer.
4. On 17 March 2025, the Respondent, Mr Donald Cameron, lodged written representations in response to the application which contained sensitive personal information. The Tribunal Administration requested permission from him to circulate these representations on 26 March 2025 but there was no response. A copy of the representations was only circulated to the Tribunal Members on the morning of the CMD and to the Applicant only once the Respondent had been asked for his oral permission at the CMD. No representations were received from the second Respondent.
5. On 15 April 2025, the Applicant lodged an updated rent statement which showed the balance of the rent arrears now amounting to £12,800. This was circulated to the Tribunal Members and the Respondent on 22 April 2025. It was unlikely that the Respondent would have received this prior to the CMD as it was circulated to him by post, as the Tribunal did not yet have his permission to communicate with him by email. This, again, was obtained from him at the CMD.

### **Case Management Discussion**

6. The Case Management Discussion (“CMD”) took place by telephone conference call on 23 April 2025 at 10am. It was attended by both Applicants, the Respondent, Mr Cameron, and Ms Blessing Ameh who was attending with the Respondent in a supportive capacity. The Respondent, Mr Abercrombie, did not attend. It was noted that both Applicants were dialling in from Qatar and it was explained that, if the applications were to proceed to an Evidential Hearing, the Tribunal Administration would require to know in advance if the Applicants were still outwith the UK, as there is a requirement to obtain consent from the authorities in the relevant country.
7. After introductions and introductory remarks by the Legal Member, there was discussion regarding both applications. It was noted that Mr Cameron accepted that the increased rent arrears figure of £12,800 stated by the Applicant was likely correct. He accepted that he had not paid any rent since July 2024. It was noted that the tenancy had commenced on 18 November 2016 and that the rent was £1,000 per month. It was also noted that the tenancy had originally been joint with a Mr Abercrombie but all parties were agreed that Mr Abercrombie had moved out of the Property many years ago, around 2018. Mr Cameron explained that Mr Abercrombie had signed something at the time to say he was moving out. Mr Cameron accepted that Mr Abercrombie was nothing to do with the rent arrears which had accrued since he moved out and Mr Cameron

accepted full responsibility for the arrears. The Tribunal confirmed that, in these circumstances, the payment application should now proceed against Mr Cameron alone. The Applicant agreed to this and it was confirmed that the application details would be amended accordingly. The Legal Member explained that, although the Applicant had lodged an updated rent statement showing the increased amount of arrears now owing as £12,800, in terms of the Procedure Rules (Rule 14A), an application to increase the sum claimed must be lodged by the Applicant at least 14 days prior to the CMD. The Applicant had not lodged such an application and the updated rent statement was only lodged on 15 April 2025, 8 days prior to the CMD. It was explained that the Applicant could lodge a further application with the Tribunal in respect of the remainder of the rent arrears at any time, or in respect of any further sums owing as at the date the Respondent eventually vacates the Property.

8. Mr Cameron explained that he had had some financial difficulties as he had been looking after his dad for a period of five years. His dad went into a care home in November 2023 after his condition had deteriorated rapidly. This had altered Mr Cameron's benefits situation as he no longer received Carer's Allowance. His dad had previously contributed to his monthly rent payments. Mr Cameron had explained in his written representations that he had also suffered two bereavements in recent years and faced some other personal challenges as a result of his circumstances. He is currently looking for work and has a job interview set up. However, he is wanting to move into social housing and has applied to the local authority for housing which will be more affordable to him. Mr Cameron explained that he really needs an eviction order to be granted, so that his housing application can progress and so that further rent arrears do not keep accruing. He explained that he has essentially been 'stuck' in this situation as he could not voluntarily leave the Property. This would result in him being considered voluntarily homeless and he would not then get rehoused by the local authority. He had gone for advice when he received notice last year and it appeared that, apart from his income situation, Mr Cameron had received legal or other advice from someone not to pay any more rent as this could have meant that the eviction order, based on rent arrears, was less likely to be granted. Mr Cameron referred to the length of time the process had been going on, with the arrears building up and would like the eviction order granted as soon as possible. Mr Cameron fully accepted the rent arrears grounds in respect of the eviction, as per his written representations.
9. The Applicants confirmed that they also wished orders granted as soon as possible, given the procedural issues and delays experienced already in this application, as well as the significant rent arrears. They stated the arrears were significant, had started to accrue in July 2023 and the fact that no rent at all had been paid since July 2024 had caused them considerable financial pressure. They had been frustrated also by Mr Cameron's lack of engagement with them and refusal to sign a new tenancy agreement, which they stated he had requested from them to support his housing benefit application.
10. The Tribunal Members conferred and confirmed that a payment order would be granted in the original sum sought of £5,800 and hoped that parties would be able to reach a payment agreement. It was explained that the Tribunal did not

take anything to do with enforcement of the payment order and that, if a payment agreement was not reached between the parties, the Applicant would then require to seek their own advice regarding enforcement of the order.

## **Findings in Fact**

1. The Applicant is the joint owner and landlord of the Property.
2. The Respondent is the joint tenant of the Property by virtue of a Short Assured Tenancy which commenced on 18 November 2016.
3. The former joint tenant had vacated the Property in or around 2018, having renounced his interest in the tenancy in writing at that time and had not entered into the Tribunal proceedings.
4. The Respondent remains in occupation.
5. The rent in terms of the tenancy is £1,000 per calendar month.
6. Rent arrears started to accrue from July 2023 and no rent has paid at all since July 2024.
7. Arrears amounted to £4,800 when notice was served and £5,800 when this Tribunal application was lodged.
8. Arrears currently amount to in or around £12,800.
9. The Tribunal application was submitted on 7 October 2024.
10. The Respondent had been called upon by the Applicant to make payment of the amount owing but has failed to do so or to enter into a payment arrangement.
11. The Respondent admits the rent arrears of £5,800 and does not oppose the application.
12. The sum of £5,800 is due and resting owing by the Respondent to the Applicant in respect of rent arrears incurred during the tenancy in terms of this application and has not been paid by the Respondent.

## **Reasons for Decision**

1. The Tribunal gave careful consideration to all of the background papers including the application and supporting documentation, the written representations from both parties, prior to and following the CMD, and the information given at the CMD by both Applicants and by the Respondent, Mr Cameron.

2. The Tribunal was satisfied that the application was in order, was not opposed by the Respondent, and considered that there was nothing to contradict the information on behalf of the Applicant and therefore no requirement to continue this application to an Evidential Hearing. The Tribunal had regard to the terms of the tenancy agreement regarding the monthly rent due and to the updated Rent Statement lodged on behalf of the Applicant showing the current level of arrears which amount to £12,800. The Tribunal was satisfied that the Respondent was in arrears with his rent, owed the sum of £5,800 when this application was lodged, has not made any further payments towards rent since that time and has not put forward any payment proposals. The Tribunal was satisfied that, in the circumstances, the sum of £5,800 was owing by the Respondent and that a payment order in terms of original application could properly be made at the CMD.
3. Although the Tribunal was satisfied that a higher sum of rent arrears was now owing, in terms of Rule 14A of the Regulations, the Applicant had not lodged an application to increase the sum claimed at least 14 days prior to the CMD and accordingly, the Tribunal considered it appropriate to grant an order restricted to the original sum sought. Rule 14A is as follows:-

***“Request to amend the application in respect of matters other than new issues***

*14A.—(1) Where a new issue is not raised, a party may request to amend the application, including the sum claimed, by intimating the amendment to any other party and the First-tier Tribunal at least 14 days prior to a case management discussion or hearing.*

*(2) The First-tier Tribunal may consent to the amendment on such conditions, if any, as the First-tier Tribunal thinks fit.”*

## **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.**

# Nicola Weir

**Legal Member**

**23 April 2025  
Date**