



**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/20/0065**

**Re: Property at 70 Captains Drive, Edinburgh, EH16 6QG (“the Property”)**

**Parties:**

**Mr Lendrick Gillies, 132 St John’s Road, Edinburgh, EH12 8AX (“the Applicant”)**

**Miss Tracey Pugh, 70 Captains Drive, Edinburgh, EH16 6QG (“the Respondent”)**

**Tribunal Members:**

**Graham Harding (Legal Member)**

**Decision**

**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 £6703.00.**

**Background**

1. By application dated 3 January 2020 the Applicant’s representatives Gilson Gray Letings, Edinburgh applied to the Tribunal for an order for payment in respect of alleged rent arrears due by the Respondent. The Applicant’s representatives submitted a copy rent statement in support of the application.
2. By Notice of Acceptance dated 16 January 2020 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 given to the Applicant’s representatives by post and to the Respondent by Sheriff Officers.

## The Case Management Discussion

4. A Case Management Discussion was held at George House, Edinburgh on 28 February 2020. The applicant did not attend but was represented by Mr Arran Pontin of Gilson Gray Lettings. The Respondent attended personally supported by Mr Steven Whigham.
5. Mr Pontin and the Respondent confirmed that the parties had entered into a Private Residential Tenancy Agreement for the lease of the property that had commenced on 14 March 2018 at a monthly rental of £1200.00.
6. Mr Pontin produced a current rent statement that showed that the rent arrears as at 18 February 2020 amounted to £7803.00. The Respondent accepted that this was correct but that a further payment of rent was due to be paid in a few days. The Respondent explained that she was in receipt of Housing Benefit that was paid in arrears. She said that she suffered from mental health issues and had not been coping last year and this had resulted in her missing paying rent between Jun and August 2019. She accepted that there had been previous rent arrears. She explained that her daughter was now dealing with her rent payments and she was paying rent regularly and also making additional payments to clear the arrears. She accepted that at the time the application was raised the arrears would have amounted to £6703.00.
7. The Respondent went on to explain that she was prepared to pay off the arrears at the rate of £100.00 per month. For the Applicant Mr Pontin said that this was insufficient and that he had instructions to proceed with an application for the eviction of the Respondent from the property and that an application had recently been made to the Housing and Property Chamber in this regard.
8. The Respondent indicated that she might be able to pay £150.00 per month towards the arrears but that would be the most she could afford.

## Findings in Fact

9. The parties entered into a Private Residential Tenancy Agreement that commenced on 14 March 2018 at a monthly rent of £1200.00.
10. As at 31 December 2019 the Respondent had accrued rent arrears of £6703.00.
11. As at the date of the Case Management Discussion the rent arrears amounted to £7803.00.

## Reasons for Decision

12. The Tribunal was satisfied that the Respondent had accrued rent arrears as at the date of the application amounting to £6703.00. Although the Respondent

had in recent months been meeting the monthly rent and making payments of £50.00 per month towards the arrears the rent due as at the date of the Case Management Discussion was still £7803.00. The Tribunal was therefore satisfied that the Applicant was entitled to the order sought. The Tribunal considered whether it would be appropriate to make a time to pay direction in terms of the Debtors (Scotland) Act 1987 as the Respondent was prepared to offer to pay the arrears at the rate of £100.00 and possibly £150.00 per month. However the Tribunal considered that given the level of arrears it would take an unreasonable period of time to repay the debt at that rate and decided not to make such a direction.

Decision

13. The Tribunal finds the Applicant entitled to an order for payment by the Respondent in the sum of £6703.00.

### 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.

Graham Harding

Legal Member/Chair

Date

28 February 2020