



**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/19/0690**

**Re: Property at 5 Tanfield Walk, Aberdeen, AB24 4AP (“the Property”)**

**Parties:**

**Easthaven Property Management, 44-46 Albert Street, Aberdeen, AB25 1XS  
 (“the Applicant”)**

**Mr Ian Gardiner, 5 Tanfield Walk, Aberdeen, AB24 4AP (“the Respondent”)**

**Tribunal Members:**

**Valerie Bremner (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that**

**The Case Management Discussion was attended by Mr Smith solicitor of  
Raeburn Christie Clark and Wallace solicitors who attended on behalf of the  
Applicant. The Respondent also attended but was not represented.**

**The Tribunal had sight of the application, a tenancy agreement, rent statement,  
and a revised rent statement.**

**It was agreed by the Respondent that he is the tenant of the property in terms  
of the tenancy agreement before the Tribunal and is in rent arrears in the sum  
of £2803.75, as per the amended rent statement which he confirmed he had  
seen. He explained that he had lost his job and was actively seeking another  
and this was why he had fallen behind with his rent payments. For the last  
three months universal credit payments were being made on the Respondent’s  
behalf to pay £400 each month to the Applicant of the monthly rent of £425.**

**Mr Smith for the Applicant confirmed that the up to date rent statement took account of the universal credit payments made in the last three months of 2019.**

**The Respondent also confirmed that the arrears were not connected to any delay in payment of benefit.**

**The issue of a Time to Pay Direction was raised with the Respondent and the procedure was explained to him. After discussion the Respondent was of the view that he could not offer meaningful instalments at this stage due to the level of his benefit payments.**

**The Respondent indicated that he intended to start making payments towards the rent arrears as soon as he secured a job. He had two interviews recently and was hopeful of securing a position soon.**

#### **Findings in Fact**

**The Respondent is a tenant at the property and entered into a tenancy agreement with the Applicants in August 2017.**

**The monthly rent to be paid by the Respondent to the Applicant in respect of the tenancy agreement is £425.**

**The Respondent has fallen into arrears of rent payments in the sum of £2803.75.**

**The sum of £2803.75 is lawfully due to the Applicant by the Respondent.**

#### **Reason for Decision**

**There was no dispute that the sum of £2803.75 is lawfully due by the Respondent to the Applicant in relation to arrears of rent at the property.**

#### **Decision**

**The Tribunal issued a payment order in the sum of £2803.75 to be paid by the Respondent to the Applicant.**

## 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.

V. Bremner

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**Legal Member/Chair**

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**Date**

3rd May 2019.