



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/19/0284

Re: Property at Flat 7, 49B Spylaw Street, Edinburgh, EH13 0JT (“the Property”)

Parties:

Mrs Frances Culpin, 2 Brae Park Road, Cramond, Edinburgh, EH4 6DN (“the Applicant”)

Mr Jordan Henderson, 8/11 Harrismith Place, Edinburgh, EH7 5PA (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal 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 by the Respondent to the Applicant of £1745.89 be made

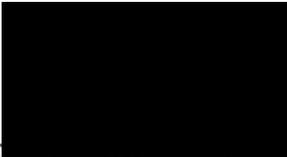
- **Background**
 - By application dated 21 January 2019 the applicant applied to the First-tier Tribunal under Rule 111.
 - The application was accompanied by a copy of the signed Lease and a copy of the rent ledger. The Rental Agreement was signed on 28 November 2017.
- **Case Management Hearing**
 - Mr Paulo appeared on behalf of the applicant. The respondent did not attend and was not represented..



- Prior to the Case Management Discussion, the Respondent had sent in representations. The representation was to the effect that he was no longer living at the tenancy and moved out on 10 December. He had been out of work since June 2018 and recently suffered some ill health. The Respondent accepted that he was due the amount of rent as set out in the application namely £1,745.89. The Respondent wanted to seek time to pay but at the rate of £1.00 per month.
- **Findings in Fact**
- The tenancy between the parties was constituted by Tenancy Agreement dated 28 November 2017.
- Rent arrears amounting to £1,745.89 had accrued by the date of the application.
- The respondent received all relevant paperwork.
- The respondent acknowledged that the rental payment of £1,745.89 was due.
- **Reasons for decision**
- The paperwork confirmed that the rent arrears were due. The respondent accepted the rental arrears.
- Thereafter the issues surrounded that of time to pay. The respondent wanted time to pay at the rate of £1.00 per month. That would clearly have taken far too long to repay and was an unrealistic sum.
- In the circumstances an order for payment of the full amount of rent was made with no time to pay.

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.



 Legal Member/Chair

27 April 2019

 Date