



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

Chamber Ref: FTS/HPC/CV/21/2995

Property : 16/1 Granton Medway, Edinburgh EH5 1HJ (“Property”)

Parties:

Kathrin Wordie and Brian Wordie, 6 Christopher Road, East Grinstead RH19 3BT (“Applicant”)

Twin Pillars Property, Unit 2, 42 New Lairdship Yards, Edinburgh EH11 3UY (“Applicant's Representative”)

Leah Small and David Hay, 16/1 Granton Medway, Edinburgh EH5 1HJ (“Respondents”)

Tribunal Members: Joan Devine (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for payment of £8,510.40.

Background

The Applicant sought an order for payment of £8,220.40 in respect of arrears of rent. The Applicant had lodged Form F. The documents produced were: a Private Residential Tenancy Agreement which commenced on 20 March 2019; statement of rent arrears; notice to leave dated 2 August 2021; emails between the First Respondent and the Applicant's Representative; rent increase notice dated 17 March 2021; certificate of posting dated 18 March 2021 and sheriff officer's execution of service certifying service of the Application on 16 February 2022.

Case Management Discussion

A case management discussion (“CMD”) took place before the Tribunal on 31 March 2022 by teleconference. In advance of the CMD the First Respondent had lodged with the Tribunal an application for time to pay dated 7 March 2022. In the application for time to pay she admitted the claim but made no offer to pay the sum due by instalments or by a lump sum within a specified period. In the application for time to pay the First Respondent stated that she is unemployed and holds no assets. The Applicant and Daniel Halasz of the Applicant's Representative were in attendance. The First Respondent was also in attendance. There was no appearance on behalf of the Second Respondent.

The First Respondent told the Tribunal that she had been trying to claim Universal Credit to pay the arrears but had been unable to do so as the tenancy was joint with the Second Respondent. She said that she continued to occupy the Property. She said that she could make arrangements to pay the arrears but could not pay the rent going forward. She said that she was now in employment and could make a payment proposal. The Tribunal encouraged the First Respondent to contact the Applicant's Representative to make a payment arrangement. The Tribunal noted that the sum claimed in the Application was £8,220.40 but the statement of arrears showed a balance due of £8,510.40. The Tribunal asked if there had been a payment to account. Mr Halasz said that there had not been a payment to account and that this was a clerical error. He said the sum due as at November 2021 was £8,510.40. He said that the last payment made towards the rent was paid in October 2021. The First Respondent agreed that the sum due as at November 2021 was £8,510.40 and that no payments had been made since October 2021. The Tribunal allowed the sum claimed to be amended to £8,510.40.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondents had entered into a Tenancy Agreement for the Property which commenced on 20 March 2019.
2. The rent in terms of the Tenancy Agreement was £800 per month.
3. The rent was increased to £1,090 per month with effect from 30 June 2021 following service of a rent increase notice dated 17 March 2021.
4. The Respondents had failed to pay the rent in full for the period 28 April 2019 to 28 November 2021 totalling £8,510.40.

Reasons for the Decision

The Tribunal determined to make an Order for payment of £8,510.40. Rent was due in terms of the Tenancy Agreement had not been paid in full for the period 28 April 2019 to 28 November 2021. The First Respondent admitted this sum was due.

Decision

The Tribunal grants an order for payment of £8,510.40.

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.

J. Devine

Legal Member

Date : 31 March 2022