



**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/18/3425

**Re: Property at 6/17, Western Harbour Terrace, Edinburgh, EH6 6JN (“the
Property”)**

Parties:

**Mr James Morris, C/O Mavor and Company, 16 Union Square, West Calder,
EH55 8EY (“the Applicant”)**

**Mr Tom King, 6/17, Western Harbour Terrace, Edinburgh, EH6 6JN (“the
Respondent”)**

Tribunal Members:

Yvonne McKenna (Legal Member)

Decision

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

**This case called for a Case Management Discussion at 10 am on 12th April
2019 at Room D25, 126 George Street, Edinburgh, EH6 6JN. The Applicant was
represented by Ms. Patricia Mavor and Mr. Callum McQueenie of Mavor and
Company. The Respondent was personally present.**

**At the outset of the hearing Ms. Mavor set out the background to the
application and detailed that since the application to the Tribunal had been
made that no further payments of rent had been received. An updated rent
statement was produced. This highlighted that the current sums due by the
Respondent amount to £6,600. The Respondent accepted this amount as being
due as at today’s date. He candidly set out that he has been self -employed for
the past 40 years but has received no earnings at all since December 2017. He
has been reliant on family and friends since then. He has been unable for
various reasons to claim benefits. The Tribunal noted that the tenancy
agreement, the Application and the updated rent statement all appeared to**

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confirm the position that the amount of rent lawfully due to the Applicant was £6,600 and that this amount remains outstanding.

The Respondent indicated that he had been consulting with the Citizens Advice Bureau and Edinburgh Housing Advice Partnership and CHI. He hopes to be able now to enter into a payment plan but was unable today to confirm the specifics of that. Accordingly, the Tribunal decided to make a Payment Order against the Respondent in the sum of £6,600 being the whole amount sought and to leave it to parties to begin discussions privately about how and whether this might be settled.

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.

Yvonne McKenna

Date

12/04/19