



**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 (“the 2014 Act”) and Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Rules”)**

**Chamber Ref: FTS/HPC/CV/20/1395**

**Re: Property at 8C Downie Place, Musselburgh, East Lothian, EH21 6JW (“the Property”)**

**Parties:**

**Mr Robert Richards and Mrs Shelagh Richards, Flat B, Old Mansion House, Newbyth, East Lothian, EH40 3DU (“the Applicants”)**

**Rentlocally.co.uk Ltd, 109/1 Swanston Road, Edinburgh, Eh10 7DS (“the Applicants’ Representative”)**

**Mr Antoine Breathnach, 8C Downie Place, Musselburgh, East Lothian, EH21 6JW (“the Respondent”)**

**Tribunal Members:**

**Ms. Susanne L M Tanner Q.C. (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) determined that the Respondent should pay to the Applicants the sum of TWO THOUSAND EIGHT HUNDRED AND NINETY SEVEN POUNDS AND THIRTY SEVEN PENCE (£2897.37) STERLING; and made an Order for Payment in respect of the said sum.**

## **1. Procedural background**

- 1.1. The Applicants' Representative made an Application to the tribunal on 24 June 2020 in terms of Section 16 of the 2014 Act and Rule 111 of the 2017 Rules, seeking an order for payment against the Respondent in the sum of £2898.32 in respect of rent arrears to the date of the Application.
- 1.2. The Application documentation submitted by the Applicants' Representative comprised:
  - 1.2.1. A copy of a Private Residential Tenancy Agreement between the Applicants and the Respondent for the Property;
  - 1.2.2. A copy of a rent book to 22 June 2020; and
  - 1.2.3. An email of authorisation from the Applicants to the Applicants' Representative.
- 1.3. The tribunal's administration obtained the Title Sheet for the Property which shows that the Applicants are registered as the co-proprietors of the Property.
- 1.4. On 2 July 2020, the Application was accepted for determination by the tribunal.
- 1.5. On 29 July 2020, parties were notified of the date, time and details of a Case Management Discussion ("CMD") on 20 August 2020 at 1000h by teleconference. The Respondent was invited to submit written representations to the Application by 17 August 2020. On 30 July 2020, the Respondent was personally served by Sheriff Officers with the Application documentation and notice of the date, time and details of the CMD.
- 1.6. No written representations were submitted by the Respondent in advance of the CMD.

## **2. CMD: 20 August 2020, Teleconference**

- 2.1. Mr Murray of the Applicants' Representative attended on behalf of the Applicants.

2.2. The Respondent attended.

2.3. The tribunal Chair explained the purpose of the CMD in terms of Rule 17 of the 2017 rules, namely to explore how the parties' dispute may be most efficiently resolved.

### **Applicants' Representative's submissions**

2.4. The Applicants' Representative submitted an up to date rent ledger (3 pages) and a copy was emailed to the tribunal chair and to the Respondent.

2.5. As at 15 June 2020, when the Application was made, the rent arrears were £2,898.32. The Respondent continues to reside in the Property. The current rent arrears to 15 August 2020 are £2897.37. The application was amended to seek the sum of £2897.37 in respect of the period to 15 August 2020. Mr Murray seeks a payment order for the amended sum.

2.6. Mr Murray indicated that a second Application for rent arrears would be made for arrears in the period from 16 August 2020 until the date that the Respondent removes from the Property in terms of the eviction order made in the related application EV/20/1393.

### **Respondent's submissions**

2.7. The Respondent considered the up to date rent ledger and stated that he agreed with the figures including the current arrears of £2897.37. He stated that he has made some payments since the Application was made. He stated that the payment of £665.00 on 4 August 2020 was made by universal credit directly to the landlords. He stated that the tenancy had been conducted for over a year with no problems and that arrears had accumulated in the first six months of this year. He stated that had he been staying in the Property, a further Universal Credit payment of £665.00 would be paid directly on 4 September 2020. He stated that he intended to discuss with the Council what would happen in respect of a Property and his benefits now that he has been evicted.

2.8. He stated that he accepts the amount of outstanding rent arrears and has no objection to the order for payment being made but stated that he had no means to satisfy the amount of £2897.37. On his request, he was supplied with an application for a Time to Pay order by the tribunal clerk and stated that he would consider whether to submit that in due course.

### **3. Findings-in-Fact**

- 3.1. The Applicants are the joint registered Proprietors of the Property.
- 3.2. The First Applicant entered into a private residential tenancy for the Property with the Respondent with the consent and authority of the Second Applicant, dated 15 October 2018.
- 3.3. The start date of the tenancy was 15 October 2018.
- 3.4. The rent payable under the tenancy is £665.00 per calendar month payable in advance on 15<sup>th</sup> of each month.
- 3.5. As at 24 June 2020, when the Application was made the Respondent's rent arrears were £2898.32.
- 3.6. Since 24 June 2020, rent payments of £665.00 have continued to fall due on 15<sup>th</sup> of each month.
- 3.7. Since 15 June 2020, the Respondent has made some payments and there was one payment of universal credit in the sum of £665.00 made on 4 August 2020 directly to the Applicants.
- 3.8. The rent arrears as at 15 August 2020 are £2897.37.
- 3.9. The Respondent remains in the Property as at 20 August 2020.

### **4. Discussion**

- 4.1. As the tribunal was satisfied that the Respondent owes £2897.37 to the Applicants in respect of rent payable in the period to 15 August 2020, the tribunal made an Order for Payment in the amended sum of £2897.37.

### **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.**

**20 August 2020**

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**Susanne L M Tanner Q.C.  
Legal Member/Chair**