



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 16 of the Housing (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/19/2457**

**Re: Property at 1 Broombank Terrace, Edinburgh, EH12 7NZ (“the Property”)**

**Parties:**

**Mary Davis, Mr Bruce Davis, 5 Broomhall Terrace, Edinburgh, EH12 7PZ (“the Applicant”)**

**Ms Magdalena Podolak, 1 Broombank Terrace, Edinburgh, EH12 7NZ (“the Respondent”)**

**Tribunal Members:**

**Maurice O'Carroll (Legal Member)**

**Decision**

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

**Background**

1. A case management discussion (“CMD”) was held at 10am on 6 September 2019 at George House, George Street, Edinburgh. Mr Davis appeared on behalf of both Applicants. Miss Magdalena Podolak appeared on her own behalf as Respondent.

**Findings in fact**

2. The parties entered into a rental agreement in respect of the Property which commenced on 1 February 2019. The rent payable was £1000 per calendar month, payable in advance. Prior to the Respondent taking occupation of the Property, she had paid £2,000 in respect of one month’s rent in advance and £1,000 by way of deposit.
3. The Applicants provided the Tribunal with a Schedule of rent which was not disputed by the Respondent. The Schedule demonstrated that the Respondent was in arrears of rent to the extent of £5,000 as at the date of the application.

4. The Applicants sought recovery of the larger sum of £5,850 by way of arrears as at the date of the CMD. The Tribunal pointed out that no application to amend the application in terms of rule 14A of the 2017 rules as amended had been made in order to increase the sum sought since the date of the application.
5. Mr Davis declined to seek to adjourn the CMD in order to make the necessary amendment and indicated that they were content to seek an Order for the £5000 by way of rent arrears that were admittedly due as at the date of the application.
6. The Respondent sought a Time to Pay Direction. She offered to pay the rent due for the month of September 2019 until the date of eviction and to pay rent arrears at the rate of £200 every two weeks until paid. That suggestion was agreed to by Mr Davis on behalf of the Applicants.

### **Decision**

7. In light of the above findings in fact, the Tribunal is satisfied that:
  - Rent arrears are admittedly due as at the date of the application in the sum of £5,000.
  - An Order for Payment will be made in the amount of £5,000.
  - A Time to Pay Direction will be made whereby in addition to the rent due for the final month of the tenancy, the Respondent will pay the sum of £200 every two weeks until the arrears of rent are paid off.
  - The Respondent understands that if any of the payments in respect of arrears of rent due in terms of the Time to Pay Direction are missed, she will be liable for the whole of the remaining amount and that proceedings to recover the same may be taken against her by the Applicants.
8. Therefore the Tribunal granted the Order for Payment sought, subject to the Time to Pay Direction requested and agreed to by the parties.

### **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.**

Maurice O'Carroll

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Legal Member/Chair

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Date

6 September 2019