

Housing and Property Chamber
First-tier Tribunal for Scotland



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/18/0138

Re: Property at 8 Craigour Green, Edinburgh, EH17 7NQ (“the Property”)

Parties:

Miss Yvonne Press, c/o Mackean, 10a Dick Place, Edinburgh, EH9 2JL (“the Applicant”)

Mr Theodore Cobzaru, 8 Craigour Green, Edinburgh, EH17 7NQ (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in favour of the Applicant against the Respondent in the sum of ONE THOUSAND THREE HUNDRED AND SIXTY THREE POUNDS AND SEVENTEEN PENCE (£1363.17) STERLING.

- **Background**

An application for payment was submitted under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Amendment Regulations 2017, on 18 January 2018.

- **Case Management Discussion**

A Case Management Discussion took place on 24 April 2018. Stephen Coyle and Elaine Noble, both of Cullen Property, appeared on behalf of the Applicant. The Respondent appeared personally.

The Applicant moved the application for a payment order to be granted against the Respondent. The Tribunal was advised by the Applicant’s representatives that the Respondent had vacated the property on 23 April 2018. This was confirmed by the Respondent. The Tribunal was advised that the rent arrears due

at the date of tenancy termination stood at £2128.17. The Applicant held a deposit of £765 via a tenancy deposit scheme. An inspection of the property had been carried out on 23 April 2018 and all was in order. Accordingly, the Applicant intended to apply to the tenancy deposit scheme for return in full of the £765 deposit to be paid to the Applicant and to be applied towards rent arrears due. The Applicant sought an order for payment in the sum of £1363.17, being the remainder of arrears due from the balance owed at the tenancy termination date and taking into account the deposit held. An up to date rent statement was lodged by the Applicant at the Case Management Discussion. This was agreed by the Respondent.

- Findings in Fact

The Respondent vacated the property on 23 April 2018.

Rent arrears of £2128.17 were due by the Respondent at the date of termination of tenancy.

A deposit in the sum of £765 was held by the Applicant in a tenancy deposit scheme.

- Reasons for Decision

The Respondent admitted the level of arrears due to the Applicant. No defence was put forward by the Respondent to the Applicant's claim. The Respondent advised the Tribunal that he had been out of work, his wife had recently had a baby and he was unable to make payment as sought.

- Decision

The Tribunal granted an order for payment against the Respondent in the sum of ONE THOUSAND THREE HUNDRED AND SIXTY THREE POUNDS AND SEVENTEEN PENCE (£1363.17) STERLING.

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.

Fiona Watson

Legal Member/Chair

24/4/18

Date