

**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref:** FTS/HPC/CV/22/0628

**Property:** 2/6 Ramsay Place, Edinburgh EH15 1JA (“the Property”)

**Parties:** Mrs Emma Tulloch, Mr David Tulloch, 5 Dalhousie Terrace, Edinburgh EH10 5NE (“the Applicant”)

and

Mr Caspar Wilson, 2/6 Ramsay Place, Edinburgh EH15 1JA (“the Respondent”)

**Tribunal Members:**

Mr Mark Thorley (Legal Member)

**Decision**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the respondent to the applicant in the sum of FOUR THOUSAND EIGHT HUNDRED AND FORTY ONE POUNDS EIGHTY FOUR PENCE (£4,841.84) be made.

**Background**

1. The applicant applied to the tribunal on 3 March 2022. Accompanying the application was a copy of the Tenancy Agreement together with arrears statement. The application was acknowledged on 4 March 2022. On 17 March 2022 the applicant was accepted. The applicant was served on the respondent on 7 April 2022.
2. The respondent provided written representations dated 28 April 2022.
3. The applicant intimated an increase in the sum claimed by way of email dated 10 May 2022 to both the tribunal and to the respondent.

### **Case Management Discussion**

4. At the case management discussion Mr Runciman solicitor attended on behalf of the applicant and the respondent also attended.
5. The respondent accepted the sum outstanding namely £4,841.84. There was thereafter a discussion as to whether a time to pay application could be put in place. Standing the respondent's strained financial circumstances this was not possible.

### **Findings in fact**

6. The parties entered into a Private Residential Tenancy Agreement dated 11 March 2019 in respect of the property at 2/6 Ramsay Place, Edinburgh EH15 1JA. Rent initially was due in the sum of £650 per calendar month.
7. The amount outstanding in terms of rent and other costs is £4,841.84.

### **Reasons for decision**

8. The respondent accepted the sum as outlined by the applicant. There was some discussion about whether a time to pay application was appropriate with the respondent in strained financial circumstances. Accordingly an order simply for payment of the sums due was made.

### **Decision**

9. An order for payment by the respondent to the applicant of the sum of FOUR THOUSAND EIGHT HUNDRED AND FORTY ONE POUNDS EIGHT FOUR PENCE (£4,841.84) is made.

### **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.**

**Legal Member/Chair:**

**Mark Thorley**

**Date:** 25 May 2022