



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/22/0835

Property: 4 Flat 8 Hermitage Park Lea, Edinburgh EH6 8DY ("Property")

Parties:

Dr Morven EL Johnson, Spechtsweg 7, 97816 Lohr, Germany ("Applicant")

Umega Lettings, 10 Lister Square, Edinburgh EH3 9GL ("Applicant's Representative")

Gary James Glen, 4 Flat 8 Hermitage Park Lea, Edinburgh EH6 8DY ("Respondent")

Tribunal Members:

Joan Devine (Legal Member)

Helen Barclay (Ordinary Member)

Decision :

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("Tribunal") determined that an order for payment of £3,402.50 should be made.

Background

The Applicant sought an order for payment of £4,632 in respect of arrears of rent. The Applicant had lodged Form F. The documents produced were: Short Assured Tenancy Agreement dated 26 June 2015; statement of rent arrears and certificate of service by Sheriff Officer evidencing service of the Application on the Respondents on 26 July 2022. In advance of the Case Management Discussion the Applicant's Representative lodged an updated statement of rent arrears which showed a total due of £3,402.50.

Case Management Discussion ("CMD")

A CMD took place on 29 August 2022 at 10am by conference call. The Applicant was in attendance along with Arran Ponton of the Applicant's Representative. The Respondent was also in attendance.

The Tribunal noted that the rent in terms of the tenancy agreement was £660 per month and that the tenancy agreement provided that the rent could be increased after

expiry of the initial 12 month period of the tenancy. Mr Ponton said that the rent was increased in November 2017 but he had no paperwork regarding the increase. The Respondent confirmed that he received notification of an increase in the rent. He said that the rent had only been increased once during the tenancy. He said that he had been trying to pay off the arrears. He agreed that the sum currently due was £3,402.50. He said that he is in full time permanent employment as a firefighter.

The Tribunal noted that in March, April and May 2020 the rent was reduced to £342 per month. Mr Ponton said the reduction was due to the covid pandemic.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a tenancy agreement dated 26 June 2015.
2. In terms of the tenancy agreement the rent was £660 per month.
3. The rent was increased to £685 per month in November 2017.
4. The Respondent failed to pay the total rent due in the period 30 April 2020 to 28 February 2022. The unpaid amount was £3,402.50.

Reasons for the Decision

The Tribunal determined to make an Order for payment. Rent was due in terms of the Tenancy Agreement had not been paid in full for the period 30 April 2020 to 28 February 2022.

Decision

The Tribunal grants an order for payment of £3,402.50.

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.

Joan Devine

Legal Member: Joan Devine

Date : 29 August 2022

