



**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/22/0047**

**Re: Property at 130/11 Gylemuir Road, Edinburgh, EH12 7DL (“the Property”)**

**Parties:**

**Hawksdale Ltd, Factotum, 63 Dublin Street, Edinburgh, EH3 6NS (“the Applicant”)**

**Mr John Crawford, 130/11 Gylemuir Road, Edinburgh, EH12 7DL (“the Respondent”)**

**Tribunal Members:**

**Alison Kelly (Legal Member) and Tony Cain (Ordinary Member)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment in the amount of £16,750 should be made.**

**Background**

On 6<sup>th</sup> January 2022 the Applicants lodged an application with the Tribunal in terms of Rule 70 of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking an order for payment.

Lodged with the Application were:

1. Copy Tenancy Agreement dated 7<sup>th</sup> August 2014 for the period from 7<sup>th</sup> August 2014 to 7<sup>th</sup> February 2015
2. Copy Rent Statement
3. Copy invoices

The papers were served on the respondent by Sheriff Officer on 5<sup>th</sup> April 2022.

## **Case Management Discussion**

A Case Management Discussion (“CMD”) took place by teleconference on 14<sup>th</sup> May 2022.

The Applicants were represented by Miss Ward of Factotum. The Respondent did not join the call and was not represented.

Miss Ward moved for a payment order in the amount off £16,750, being the sum sought in the application by way of arrears. There was no opposition, and the Tribunal were prepared to grant the order.

The Tribunal ascertained from Miss Ward that the reason that rent had not been paid for two years, and that the Applicant had not taken steps to evict during that period was that the Respondent appeared to be suffering from a mental health issue and would not engage with the Respondent or with any services, including Police Scotland, only speaking to them through the letterbox when they were carrying out welfare checks. Miss Ward said that the rent is now being paid by a direct payment from Universal Credit.

## **Findings In Fact**

1. The parties entered on to a tenancy agreement for the property;
2. The rent was £600 per month;
3. As at today’s date the rent arrears stand at £16,750.

## **Reasons For Decision**

The Respondent owes the applicant £16750.

## **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.**

# A Kelly

19<sup>th</sup> May 2022

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**Legal Member/Chair**

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**Date**