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

**Chamber Ref: FTS/HPC/CV/22/0185**

**Re: Property at 148/8 Albert Street, Edinburgh, EH7 5LT ("the Property")**

**Parties:**

**Mr Christopher Gladden, Rowena Roche, 215 Braid Road, Edinburgh, EH10 6NY ("the Applicants")**

**Mr Scott Cook, 148/8 Albert Street, Edinburgh, EH7 5LT ("the Respondent")**

**Tribunal Members:**

**Gabrielle Miller (Legal Member) and Ahsan Khan (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the Applicants are entitled to an order for payment amounting to £1019.57 (ONE THOUSAND AND NINETEEN POUNDS AND FIFTY SEVEN PENCE).**

Background

1. An application was received by the Housing and Property Chamber dated 20th January 2022. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the 2017 Regulations"). The application was based on the Respondent not maintaining rent payments amounting to £1019.57.

2. On 8th March 2022, all parties were written to with the date for the Case Management Discussion ("CMD") of 21st April 2022 at 10am by teleconferencing. The letter also requested all written representations be submitted by 29th March 2022.

3. On 10th March 2022, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 10th March 2022.

4. The case was conjoined with case FTS/HPC/EV/22/0184

## The Case Management Discussion

5. A CMD was held on 21st April 2022 at 10am by teleconferencing. The Applicants were present and represented themselves. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. Neither party made representations in advance of the hearing.

6. Ms Roche spoke on behalf of herself and Mr Gladden. She informed the Tribunal that the Respondent has not been in contact with the Applicants for some time. She explained that Mr Gladden had attended the Property in January 2022 and had spoken to the Respondent through the door. There was no offer of payment. Since then there have been no offers of payment. She said that the DWP were making payments of approximately £450 per month. This included a variable payment each month that was to address the arrears and the static payment of £412 per month.

7. Ms Roche did not believe that there were any outstanding housing benefit/universal credit issues. She said that the Respondent had stopped paying in October 2020. He had told her at that point that he was having issues with sick pay and that he would pay £750 per month to catch up. There were two further missed payments after which Ms Roche applied to the DWP for direct payments. This was continuously refused until March 2021 when it was authorised. The payments from the DWP have been consistent since then. Though there still remains a shortfall in the rent of approximately £200 per month.

8. Ms Roche told the Tribunal that she has sent out all the Pre Action Requirement information for the cojoined eviction case to assist him. He has not taken any opportunity of the offered help to resume the full rent payment.

9. Ms Roche noted that there have been two other cases before the Housing and Property Chamber for payment orders. These are namely CV/21/0037 where an order was made for £2600 and CV/21/1400 where an order was made for payment of £2310.85. At the point of the application in January the arrears case noted that there were arrears outstanding of £5930.42. This application was to allow the Applicants to obtain the remaining amount due. However, since this application the total outstanding arrears have risen by £616.56 to £6546.98. The Applicants were not seeking a further increase in the sum sought as they had not given sufficient notice. They had simply been informing the Tribunal of the current outstanding arrears total. They are aware that they can raise another application for payment for any outstanding amounts due. The Applicants have only served one of the Orders. When it was served on the Respondent, the Sheriff Officers were informed by the Respondent that he was not working. He also told them that he had no assets and did not have a car.

## Findings and reason for decision

10. A Private Rented Tenancy Agreement commenced 7th May 2020.

11. The Respondent has persistently failed to pay his full rent charge of £650 per month. The rent payments are due to be paid on 1st day of each month from 1st August 2020 as a lump payment had been made of £1832.79 for the period 7th May 2020 to 31st July 2020.

12. Arrears accrued to more than 3 consecutive months rent payment at the date of application and was more than three months rent payments at the date of the hearing.

13. There are no outstanding Housing Benefit issues.

14. There have been two other cases before the Housing and Property Chamber in relation to payment orders. These are namely CV/21/0037 where an order was made for £2600 and CV/21/1400 where an order was made for payment of £2310.85.

15. Since this application has been lodged the total outstanding arrears have risen by £616.56.

16. The arrears sought total £1019.57

## Decision

17. The Tribunal found that the Applicants were entitled to be granted an order for payment amounting to £1019.57.

**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.**

# G. M

**21st April 2022**

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**Legal Member/Chair**                          **Date**