



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 (Act)

Chamber Ref: FTS/HPC/CV/20/0757

Re: Property at 8/7 Ferry Gait Place, Edinburgh, EH4 4GN (“the Property”)

Parties:

Mr Kashaf Azil, Mr Muhammad Yousaf Jamil, 2 Ross Way, Livingston, EH54 8LA; 58 Clovestone Park, Edinburgh, EH14 3EY (Applicants)

TC Young Solicitors, 7 West George Street, Glasgow, G2 1BA (Applicants’ Representatives)

Ms Lesley Horne, 8/7 Ferry Gait Place, Edinburgh, EH4 4GN (Respondent)

Tribunal Members:

Alan Strain (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application for an order for payment in the sum of £2,131 be granted payable at the rate of £250 per week.

Background

This is an application under Rule 111 and section 71(1) of the Act for a payment order in respect of rent arrears.

The Tribunal had regard to the following documents:

1. Application received 2 March 2020;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 23 May 2018;
3. Rent Arrears Statement as at 25 February 2020
4. Certificate of Service of Tribunal CMD Notification on the Respondent by Sheriff Officers dated 6 July 2020;
5. Applicants’ Representatives application to amend the sum sued for dated 27 July 2020;
6. Time to Pay Application by Respondent received 27 July 2020;

7. Updated Schedule of Rent Arrears as at date of CMD.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 7 August 2020. The Applicants did not participate but were represented by their Solicitor. The Respondent did participate and was not represented.

The Applicants' Representative produced a Schedule of Rent Arrears as at the date of the CMD. It disclosed that the amount of arrears had reduced to £2,131 due to the Respondent paying towards the arrears.

The Respondent accepted that she was in arrears in the sum of £2,131 and offered to pay by instalments of £250 per week as detailed in her Time to Pay Application.

The Applicants' Representative informed the Tribunal that the Applicants were prepared to accept payment as proposed in the Time to Pay Application.

The Tribunal then considered the documentary evidence it had received from the Parties and in so far as material made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 23 May 2018;
2. The monthly rent was £680;
3. As at the date of the CMD the Respondent was in arrears of rent in the sum of £2,131;
4. The Parties were agreed that a Time to Pay Direction be made at the rate of £250 per week.

The Tribunal was satisfied that the rental arrears had been established and granted the order for payment sought in the amount of £2,131. The Tribunal also granted a Time to Pay Direction at the rate of £250 per week.

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 Strain

7 August 2020

Legal Member/Chair

Date

