



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 70 (1) of the Private Housing Tenancies (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/23/2629

Re: Property at Flat 8, 6 Ashcroft Lane, Edinburgh, EH14 3JT (“the Property”)

Parties:

Places for People Scotland Limited, 1 Hay Avenue, Edinburgh, EH16 4RW (“the Applicant”)

Mr Kirk Cockburn, Flat 8, 6 Ashcroft Lane, Edinburgh, EH14 3JT (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member) and Helen Barclay (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make a payment order in the sum of Ten thousand three hundred and nine pounds and thirty five pence (£10,309.35) Sterling together with interest at the rate of 4% per annum from the date of decision until payment

Background

- 1 By application to the Tribunal the Applicant sought a payment order against the Respondent in respect of outstanding rent arrears. In support of the application the Applicant provided the following documentation:-
 - (i) Rent account; and
 - (ii) Tenancy Agreement between the parties.
- 2 By Notice of Acceptance of Application the Legal Member with delegated powers of the Chamber President intimated that there were no grounds on which to reject the application and determined to fix a Case Management Discussion. A copy of the application paperwork together with notification of the date and time of the

Case Management Discussion and instructions on how to join the teleconference was intimated to the Respondent by Sheriff Officers.

- 3 The Applicant subsequently intimated an updated account of the rent payments and confirmed that arrears stood at £10,309.35.

Case Management Discussion

- 4 Mr Kenneth Caldwell of Patton and Prentice Solicitors appeared at the Case Management Discussion on behalf of the Applicant. The Respondent was personally present. Mr Caldwell confirmed that arrears had reduced to £10,309.35 and the Applicant sought an order for payment of that sum together with interest at the rate of 4% per annum. The Respondent confirmed that he agreed with that figure and did not dispute that the amount was due.

Findings in Fact

- 5 The Applicants and the Respondent entered into a short assured tenancy agreement dated 14th October 2016.
- 6 The rent due under the tenancy agreement was £595 per month. The rent has been increased incrementally since then and currently stands at £720.78 per month.
- 7 As at the date of the Case Management Discussion arrears in the sum of £10,309.35 were outstanding.

Reasons for Decision

- 8 The Tribunal was satisfied at the Case Management Discussion that it had sufficient information upon which to make a decision and that to do so would not be prejudicial to the interests of the parties.
- 9 The Tribunal was satisfied based on its findings in fact that the Respondent was liable to pay arrears in the sum of £10,309.35 under the terms of the tenancy agreement between the parties. He had not sought to dispute the sum sought by the Applicants and there was nothing before the Tribunal to contradict the position put forward on their behalf.
- 10 The Tribunal therefore made a payment order in the sum of £10,309.35 and considered it reasonable to apply interest to that sum at the rate of 4% per annum from the date of decision until payment. The decision of the Tribunal was unanimous.

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.

Ruth O'Hare

10 November 2023

Legal Member/Chair

Date