



**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/23/2848

Re: Property at 10 Redbrae Avenue, Bo'ness, EH51 9TW (“the Property”)

Parties:

Mrs Ann Brand, 78 Main Street, Redding, FK2 9UH (“the Applicant”)

**Mr Yvonne Faichen, Mr Gordon Wilson, 3 Angus Road, Bo'ness, EH51 0BW
 (“the Respondent”)**

Tribunal Members:

Alison Kelly (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order for payment should be granted.**

Background

The Applicant lodged an application on 18th August 2023 under Rule 70 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) seeking payment of a sum of rent arrears.

Lodged with the Application were:

1. Copy Tenancy Agreement commencing 30th November 2017 and showing a rent of £500 per month
2. Rent Statement

The Application was served on the Respondent by Sheriff Officer on 31st October 2023.

On 20th November 2023 the Respondents sent an email to the Tribunal as follows:

“To whom it may concern, We asked Belvoir to ask Ann brand about writing usetter to evict us so we could give it to the council during covid as I wasn't working and Gordon was on furlough. The answer we kept getting was "we can't evict you during covid" so it isn't our fat these rent arrears accumulated as we told Belvoir we couldn't pay the rent. This caused my husbands mental health to flare up as, he was, worried and anxious. I don't see why we should be held liable for these rent arrears during this time Yours sincerely Yvonne Wilson”

On 7th December 2023 the Respondents sent an email to the Tribunal advising that they could not attend the Case Management Discussion due to work commitments. They did not request an adjournment.

Case Management Discussion

The Case Management Discussion (“CMD”) took place by teleconference. The Applicant on the call and was represented by Mrs O’Rourke of Belvoir Lettings. The Second Named Respondent attended on behalf of both Respondents.

The Chairperson confirmed the purposes of a CMD in terms of Rule 17 of the Rules.

Mrs O’Rourke referred to the rent statement lodged with the papers. She said that the arrears were now higher. The Chairperson pointed out that no request to amend the sum sought had been lodged and therefor the Tribunal could only deal with the arrears in the application. Mrs O’Rourke asked that an order be granted for payment, in the amount of £4882, being the sum due as shown on the rent statement.

The Second Named Respondent said that he did accept that the rent arrears were due and he accepted the amount. He said that both Respondents had been on furlough for a time during the pandemic and that was when the arrears had occurred. He did accept that the sum had to be paid. He wanted to negotiate a payment arrangement, but no Time To Pay application had been lodged by the Respondents.

Findings in Fact

1. The parties entered in to a tenancy agreement for rent of the property;
2. The monthly rent was £500;
3. On 1st August 2023 the rent arrears owed were £2401.47.

Reasons for Decision

The Respondents owe rent to the Applicant as at 1st August 2023 in the amount of £2401.47.

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.



Legal Member/Chair

8th December 2023
Date