



**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**

**Chamber Ref: FTS/HPC/CV/24/0471**

**Re: Property at 4 Lennie Cottages, Craigs Road, Edinburgh, EH12 0BB (“the Property”)**

**Parties:**

**Cornelia Aigner (formerly Haindl), Wald 5, Rattenkirchen 84431, Germany, Germany (“the Applicant”)**

**Linda Watt, 7 Lennie Cottages, Craigs Road, Edinburgh, EH12 0BB (“the Respondent”)**

**Tribunal Members:**

**Graham Harding (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondent to the Applicant in the sum of £2048.38.**

**Background**

1. By application dated 30 January 2024 the Applicant’ representatives, Gilson Gray LLP. Solicitors, Edinburgh applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondents’ tenancy of the property. The Applicant’s representatives submitted a rent statement, bank statement and other documents in support of the application.
2. Following further correspondence between the Applicants and the Tribunal administration the sum claimed was increased to £2948.38.

3. By Notice of Acceptance dated 22 April 2024 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.
4. Intimation of the CMD was served on the Respondent by Sheriff Officers on 30 July 2024.
5. A CMD assigned for 20 August 2024 was postponed at the request of the Respondent and a further CMD assigned.
6. By emails dated 11 November 2024 the Applicant’s representatives sought to amend the sum claimed to the reduced sum of £2048.38.
7. By email dated 5 December 2024 the Respondent submitted further written representations to the Tribunal.

### **The Case Management Discussion**

8. A CMD was held by teleconference on 5 December 2024. The Applicant was represented by Mr Gray from the Applicant’s representatives. The Respondent attended in person.
9. After explaining to the parties the purpose of a CMD the legal member asked the Respondent to confirm whether or not she was disputing the sum claimed by the Applicant. The Respondent confirmed she accepted the sum claimed was due but that she had hoped that her own claim for the Applicant’s failure to lodge her deposit in an approved tenancy deposit scheme would offset any sum that might be due.
10. The Tribunal explained to the Respondent that it could not deal with any tenancy deposit claim she might have made and that this would have to be dealt with by a separate Tribunal.
11. The Tribunal then noted that the Respondent wished to enter into an agreement to pay the sum due by way of instalments. Mr Gray advised the Tribunal that in principle the Applicant would not be opposed to this as long as the sum claimed could be repaid within one year. The Respondent advised the Tribunal that she was not in a position to make payments in the region of £160.00 per month at this time as she was unemployed and in receipt of Universal Credit but that she hoped to be in employment in the New Year and would then be in a position to make an application for a Time to Pay Order. Given that the Respondent had not provided any details of her income and expenditure and was not in a position to commence making substantive payments towards the debt, Mr Gray was opposed at this stage to any Time to Pay direction being granted.

### **Findings in Fact**

12. The Respondent owed rent of £2948.38 as at 20 May 2024 and after crediting the Respondent's deposit of £900.00 the amount still outstanding at the date of the CMD was £2048.38.

### **Reasons for Decision**

13. The Tribunal was satisfied from the written representations and documents submitted by the Applicant's representatives together with the oral submissions by both Mr Gray and the Respondent that the Respondent accepted that the sum claimed by the Applicant was due and that the Applicant was entitled to an order for payment by the Respondent in the sum of £2048.38. The Tribunal was not satisfied given the lack of information regarding the Respondent's current income and expenditure that it would be appropriate to make an order for a Time to Pay direction at this time.

### **Decision**

14. The Tribunal finds the Applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £2048.38.

### **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.**

Graham Harding

**Graham Harding  
Legal Member/Chair**

**5 December 2024  
Date**

