



**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/24/1803**

**Re: Property at 174/7 St Johns Road, Edinburgh, EH12 8AZ ("the Property")**

**Parties:**

**Daker Property 84 Ltd Company, 12 Home Street, Edinburgh, EH3 9LY ("the Applicant")**

**Mr Juan Diego Lopez Fernandez, 174/7 St Johns Road, Edinburgh, EH12 8AZ ("the Respondent")**

**Tribunal Members:**

**Gillian Buchanan (Legal Member)**

**Decision**

At the continued Case Management Discussion ("CMD") which took place by telephone conference on 8 January 2025, the Applicant was represented by Mr David Kerr. The Respondent was not in attendance but was represented by Mr Sam Donegan of CHAI, Edinburgh.

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that -**

**Background**

A CMD had previously taken place on 21 October 2024. That CMD was adjourned to allow the Tribunal due to there being insufficient information before the Tribunal to make a decision on the application or the time to pay direction that day.

In particular the Tribunal required the following no later than 48 hours prior to the adjourned CMD:-

- i. Sight of the Rent Increase Notice of 16 April 2023 effective from 1 August 2023 and evidence of service thereof.
- ii. An up to date Rent Statement.
- iii. A statement from the Respondent of the rent arrears agreed to be due and the calculation thereof.

Prior to the CMD the Tribunal had received from the Applicant's representative an email dated 3 December 2024 with the documents referred to in i. and ii. above.

### **The CMD**

At the CMD Mr Kerr for the Applicant advised that the rent arrears due had reduced further and now stood at £1,168.95. The Respondent had been making regular payments to reduce the sums due.

The Tribunal asked Mr Donegan for the Respondent why there had been no statement lodged narrating the sums admitted to be due by the Respondent and the calculation thereof all as per the Tribunal's requirement. Mr Donegan said there had been issues with information being provided by the Applicant but a calculation had now been done. He said the Respondent admitted rent arrears of £1,156.11, a difference of only £12.84 from the sum claimed by the Applicant.

Mr Donegan said the Applicant is now in full-time employment. He works in IT. He is paid monthly in arrears and pays his monthly rent plus £30 towards the arrears due. Mr Donegan is advising the Respondent with regard to a Debt Arrangement Scheme application. He said a payment order could be granted in a sum of £1,156.11 and that no time to pay order required to be considered.

Mr Donegan made passing reference to issues of repair relative to the Property. These had not been discussed or mentioned at the CMD on 21 October 2024. The Tribunal intimated it would not be prepared to enter into any dialogue with regard to repairs at this late stage in proceedings.

Mr Kerr for the Applicant indicated he would accept a payment order in a sum of £1,156.11.

### **Reasons for Decision**

The Respondent admitted rent arrears of £1,156.11. The Applicant indicated it is prepared to accept an order in that amount.

### **Decision**

The Tribunal orders the Respondent to pay to the Applicant the sum of £1,156.11.

### **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 Buchanan

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Legal Member/Chair

8 January 2025  
Date