



**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/24/2317

Re: Property at 6/6 Lyne Street, Edinburgh, EH7 5DW (“the Property”)

Parties:

Mrs Sheila Hobbs, Mr Paul Scott, 6 Lussielaw Road, EDINBURGH, EH9 3BX (“the Applicant”)

Mr Kieron King, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member)

Decision

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

Background

1. On 22nd May 2024 the Applicant lodged an application under Rule 111 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) seeking payment of a sum of rent arrears.
2. Lodged with the Application were:
 - a. Copy Private Residential Tenancy dated 28th May 2021 and showing a rent of £675 per month
 - b. Rent Statement showing arrears of as at
 - c. Copy of a Tribunal decision dated 10th March 2023, case reference FTS/HPC/CV/4072, making a payment order in the amount of £5875;
 - d. Copy of a Tribunal decision dated 17th April 2024, case reference FTS/HPC/EV/23/3681, granting an eviction order

3. The Application was sent to Sheriff Officers for service but they were not able to serve it at the address provided by the Applicant. The Applicant was asked to submit a Service By Advertisement application and a negative trace report. The Applicant duly submitted these documents and Service By Advertisement was allowed.
4. On 24th January 2025 the Respondent sent an email to the Tribunal asking for a copy of the papers.
5. The Tribunal produced a Certificate of Advertisement dated 28th February 2025.

Case Management Discussion

6. The Case Management Discussion ("CMD") took place on 27th February 2025 by teleconference. Mrs Sheila Hobbs represented both Applicants. The Respondent represented himself.
7. The Chairperson confirmed the purposes of a CMD in terms of Rule 17 of the Rules.
8. Mrs Hobbs asked that an order be granted for payment, in the amount of £5618.27, being the sum due as shown on the rent statement and being the arrears due from the date of the previous order to the date the respondent left the property.
9. The respondent said that he did not dispute the amount of the rent arrears. He was not in a position to make payment at the moment,. He is in homeless accommodation and only has Universal Credit by way of income.
10. The Chairperson confirmed that the Tribunal's job was to decide on whether the order should be granted, not to make arrangements regarding payment, and also confirmed that the Respondent could make a Time To Pay application if he so wished.

Findings in Fact

- i. The parties entered in to a tenancy agreement for rent of the property;
- ii. The monthly rent was £675;
- iii. The Applicants have an order for payment of arrears up to 10th March 2023
- iv. Arrears owed from 10th March 2023 to the end of the tenancy amount to £5618.27;

Reasons for Decision

11. The Respondent owes rent to the Applicants in the amount of £5618.27 from 10th March 2023 until; the end of the tenancy..

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.

Alison Kelly

28.02.25

Legal Member/Chair

Date