



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/24/3652

Re: Property at 109/7 (1F3) Broughton Road, Edinburgh, EH7 4EQ (“the Property”)

Parties:

Ms Denise Borland, Sawmill Cottage, Friendly Park, Brechin, DD9 6RF (“the Applicant”)

Mr John Leary, 109/7 (1F3) Broughton Road, Edinburgh, EH7 4EQ (“the Respondent”)

Tribunal Members:

Martin McAllister (Legal Member) and Tony Cain (Ordinary Member) (“the tribunal”)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order of payment be made requiring the Respondent to pay the sum of FIVE THOUSAND FIVE HUNDRED AND NINETY SEVEN POUNDS 50 PENCE (£5597.50) to the Applicant.

Background

1. This is an application for payment of £5597.50 in respect of rent arrears.
2. The date and time of the case management discussion was intimated to parties who were given the opportunity to make written representations and/or lodge productions.
3. An application for an order of eviction has also been submitted by the Applicant.

Preliminary Matters

4. The case management discussion was held by audio conference on 9 April 2025. Mr Ashley Purin of Pure Property Management Edinburgh Ltd, represented the Applicant. The Respondent was present.
5. The Legal Member outlined the purpose of a case management discussion and the terms of Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the Chamber Rules").
6. Mr Caldwell referred to a submission which he had submitted on 11 March 2025 in which he stated that the Applicant would be seeking to increase the sum claimed to £9404.50 to reflect the arrears at that date. An updated rent statement had been lodged which stated the rent arrears to be £9404.50. Mr Purin referred to a subsequent rent statement showing the rent arrears to be £10362.50.
7. Mr Purin said that he was seeking an order of payment for £10362.50. He was not able to provide evidence that he had intimated to the Respondent that the Applicant was seeking to amend the sum claimed. He stated that the Respondent would be aware of the level of rent arrears.
8. Mr Leary confirmed that he had received a copy of the rent statement which accompanied the application and that he could not say for certain that he had received any others. He accepted that he has arrears of rent.
9. Mr Purin was referred to Rule 14A of the Chamber Rules which states "*.....a party may request to amend the application, including the sum claimed, by intimating the amendment to any other party and the First-tier Tribunal at least 14 days prior to a case management discussion or hearing.*"
10. Mr Purin accepted that he had not complied with the terms of Rule 14A. He said that he would restrict the claim to £5597.50 which is the sum set out in the application.
11. There was no dispute on the facts. The Respondent was contractually bound to pay rent to the Applicant and accepted that he had failed to do so. He accepted that he was due to pay the sum of £5597.50 to the Applicant. Neither party saw the need for a Hearing.

Documents before the tribunal

- 12.1 Copy of the private residential tenancy agreement for the Property dated 23 June 2020 showing the commencement of the tenancy to be 25 June 2020

and the monthly rent to be £800. The tenancy agreement showed the tenant to be the Respondent.

12.2 Copy rent statement to 25 July 2024 showing the rent outstanding to be £5597.50.

12.3 Copy rent statement to 25 February 2025 showing the rent outstanding to be £9404.50.

12.4 Copy rent statement to 25 March 2025 showing the rent outstanding to be £10362.50.

Findings in Fact

13.1 The Applicant is the owner of the Property.

13.2 The Applicant and the Respondent entered into a Private Residential Tenancy Agreement for the Property on 23 June 2020.

13.3 The start date for the tenancy was 25 June 2020.

13.4 The initial monthly rent for the Property was £800 per month and is currently £958.

13.5 There are rent arrears of £5597.50.

Submissions

14 Mr Purin asked the tribunal to grant an order of payment of £5597.50.

15 The Respondent accepted that he owed the Applicant £5597.50. He said that his financial affairs had been in disarray because of illness and other issues but that he was now on a solid financial footing with benefits covering the whole of the rent. He said that he was hopeful of starting to repay the arrears.

Discussion

16 The tribunal saw no need for a Hearing to be fixed. Facts were not in dispute. The Respondent owes £5597.50 to the Applicant.

17 The tribunal determined to make the requested payment order in respect of the principal sum of £5597.50.

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.

Martin J. McAllister

**Martin J. McAllister
Legal Member
9 April 2025**