



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 70 of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/24/5628**

**Re: Property at 43/9 HARVESTERS WAY, EDINBURGH, EH14 3JP (“the Property”)**

**Parties:**

**PLACES FOR PEOPLE SCOTLAND LTD, 1 HAY AVENUE, EDINBURGH, EH16 4RW (“the Applicant”)**

**MR ERIC SIKOWSFIE, 43/9 HARVESTERS WAY, EDINBURGH, EH14 3JP (“the Respondent”)**

**Tribunal Members:**

**Melanie Barbour (Legal Member) and Sandra Brydon (Ordinary Member)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) grants an order in favour of the Applicant against the Respondent for payment of EIGHT THOUSAND AND EIGHTY ONE POUNDS FIFTY NINE PENCE (£8,081.59) STERLING; and makes a time to pay order.**

**Background**

1. An application had been received under Rule 111 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for payment.
2. The application contained: -
  - a. The tenancy agreement,

- b. The notice to leave with evidence of service
  - c. section 11 Notice with evidence of service
  - d. rent statement
  - e. copy of the rent increase
  - f. Pre-action requirement letters
3. The applicant emailed the tribunal on 3 June 2025, attaching a further updated rent statement. Showing that the rent arrears were now £8,081.59. The last payment for rent was on 11 February 2025. This had been copied to the respondent.
  4. A case management discussion took place on 23 June 2025. In attendance were the applicant's agent, Melissa Wilson, of Patten & Prentice LLP. The respondent also appeared.
  5. Notice of the case management discussion had been made by sheriff officers on 2 April 2025.

### Discussion

6. The applicant advised that they were seeking an order for recovery of possession of the property under ground 12 (three months' rent arrears).
7. They were also seeking an order for payment. The rent arrears were now £8,081.59. The agent moved to amend the sum sued for to this new sum. The respondent accepted that this sum was due and did not object to the amendment. The tribunal amended the sum sued for.
8. The agent advised that the rent arrears had begun to accrue in August 2023 and had been increasing since that date. They were now £8,081.59.
9. The agent advised that the last payment was for £1,500 and it had been made in February 2025.
10. The agent was opposed to the time to pay application that had been made by the respondent. The agent submitted that they had no faith that the respondent would be able to maintain or have the ability to pay the offer that the respondent was proposing.
11. The respondent advised that he wished to remain in the property if possible.

12. He had contacted the landlord and proposed that another person come into the tenancy and be added onto the tenancy agreement. The landlord had refused.
13. The respondent advised that his girlfriend had previously resided at the property, they had shared the rent, she had left, and he had become the sole tenant.
14. The respondent advised that he lived alone in the property. He was a single male. He was 30 years old. He was employed in a security role. He relied solely on his income and was not in receipt of any benefits.
15. He had been trying to pay the rent and arrears. He said he had been struggling to do so with only one income coming into the property.
16. He had been looking at other accommodation if he had to leave the property. He would stay with friends for a period until he got a new tenancy.
17. He had been supporting his mother and family, who stayed in Ghana because his mother had been ill. He was paying for hospital bills. He advised that he should have made his rent a priority, but he had been unable to do so. He said he had been sending money to his mum since 2017.
18. He was offering to repay the rent and arrears at the sum of £1600 per month.
19. In terms of the time to pay application, he suggested that he could repay the rent arrears at a rate of £800 over a nine-month period.
20. The applicant's agent advised that they did not consider that the respondent would be able to meet the terms of the time to pay arrangement at £800 per month.

### Findings in Fact

21. The Tribunal found the following facts established: -
22. There existed a private residential tenancy.
23. The tenants were Eric Sikowsfie.
24. The landlord was Places for People Scotland – Residential.
25. The property was 43/9 Harvesters Way, Edinburgh
26. The tenancy commenced on 1 May 2023.

27. The tenancy stated that rent was £710.00 a calendar month, payable in advance. The rent had increased to £787.61 since July 2024.
28. There were rent arrears on the rent account since at least August 2023.
29. Rent arrears as of December 2024 were £4,855.93
30. Rent arrears as of 3 June 2025 were £8,081.59
31. The respondent had failed to pay some of his rent and arrears since August 2023. The respondent was 30, single and male. He struggled to pay the rent for the property by himself. He had other outgoings, including assisting with paying for his mother's health needs.
32. There were rent arrears on the account since August 2023. The arrears had been accruing since that date. The arrears were now significant.

### Reasons for Decision

33. Section 70 of the 2016 Act provides the Tribunal with the power to deal with civil matters arising out of private residential tenancies, failure to pay contractual rent and other charges set out in the lease agreement are some of those matters.
34. The applicant's agent appeared. The applicant's agent confirmed that they sought an order for payment. This was not opposed. She had provided a tenancy agreement and rent statement to show how the debt had accrued.
40. The tribunal considered the time to pay application. The respondent is offering to pay £800 per month towards the sum sued. We calculate that it would take him 11 months to pay that sum in full. The applicant's agent advised that they did not believe he would be able to meet those payments; however, if he was able to do so, they would not object to the time to pay order being made. In view of the fact that the tribunal intends to make an order for an eviction, the tenant may not be paying the same level of rent and may be able to pay the time to pay order. We will grant the time to pay application on the following terms: the respondent shall repay the rent arrears at £800 per month over an 11-month period.

## Decision

41. The Tribunal grants an order in favour of the Applicant against the Respondent for payment of EIGHT THOUSAND AND EIGHTY ONE POUNDS FIFTY NINE PENCE (£8,081.59) STERLING; and makes a time to pay order.

## **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.**

Melanie Barbour

Melanie Barbour

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Legal Member/Chair

23 June 2025

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Date