



**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/20/1115**

**Re: Property at 18 Sunnybraes Terrace, Steelend, Dunfermline, KY12 9NE (“the Property”)**

**Parties:**

**Miss Jeanette Laidle, 1 Ailsa Grove, Kirkcaldy, Fife, KY2 6SE (“the Applicant”)**

**Mr Keiron Stewart, 18 Sunnybraes Terrace, Steelend, Dunfermline, KY12 9NE (“the Respondent”)**

**Tribunal Members:**

**Melanie Barbour (Legal Member)**

**Decision**

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

**Background**

1. An application was made to the First Tier Tribunal for Scotland (Housing and Property Chamber) 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 of the sum of £2260.00 to the Applicant in relation to rent arrears due by the Respondent.
2. The application contained:-
  - a copy of the tenancy agreement;
  - rental statement; and
  - bank statement
3. Both the Applicant and the Respondent appeared. Service of the application had been made by sheriff officers. The Respondent confirmed that he had received a

copy of the application. On 30 July 2020 the Applicant had submitted an updated rent account showing that rent arrears as at 28 July 2020 were now £2685. The Respondent confirmed that he had received a copy of the updated rent account.

### Discussion

4. The Applicant advised that she was seeking an order for payment of £2685.00.
5. I noted that she had not provided the Respondent with 14 days' notice of the new sum she was seeking.
6. The Respondent advised that he was not disputing the arrears. He was also not disputing that the Applicant was seeking a further months' rent. He only wished to agree a time to pay order. He advised that he was keen to move on to new accommodation with the support of the local council. He advised that he could repay the sum due at a rate of £100 per month.
7. The Applicant confirmed that she had no objection to a time to pay order at a rate of £100 per month.
8. I advised parties that as the Respondent was not objecting to the amendment of the sum sought by the Applicant, I would grant that amendment.

### Findings in Fact

9. The Tribunal found the following facts to be established:
10. A tenancy agreement had been entered into between the Applicant and the Respondent.
11. The tenancy agreement was entered into on 18 May 2020.
12. Clause 7 in the tenancy agreement provided that monthly rent was £425 and was payable monthly in advance.
13. The rental statement showed amounts due for each month, what had been paid and what was outstanding.
14. That rent due as at 28 July 2020 amounted to £2,685.
15. That it appeared that there had been no payments towards the rent arrears other than those shown on the rent statement.

### Reasons for Decision

16. Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 provides that the First Tier Tribunal has jurisdiction in relation to civil proceedings arising from private residential tenancies. As this tenancy is a private residential tenancy I am content that I have jurisdiction to deal with this case.
17. The tenancy agreement created obligations between the parties, one of those obligations was to pay rent, and the Respondent has failed to do so. There was submitted a rental statement showing the arrears due and additional information provided by the Applicant was that the arrears were now £2685.
18. The Respondent did not dispute that the arrears were due. Further, he accepted that current sum due was now £2685, but asked for it to be repaid under a time to pay order at £100 per months. The Applicant was agreeable to the time to pay offer.
19. On the basis of the evidence submitted and having regard to all papers submitted including the application, I consider that I should make an order for the sum sued for.

### Decision

20. I grant an order in favour of the Applicant for TWO THOUSAND SIX HUNDRED AND EIGHTY FIVE POUNDS (£2,685.00) STERLING against the Respondent; and I grant a time to pay order at the rate of £100 per month.

### **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**

**10<sup>th</sup> August 2020**

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**Legal Member/Chair**

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**Date**