

**Housing and Property Chamber**  
First-tier Tribunal for Scotland



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (tenancies) (Scotland) Act 2016 (Act)**

**Chamber Ref: FTS/HPC/CV/19/2610**

**Re: Property at 12/1F1, Meadowbank Avenue, Edinburgh, EH8 7AP (“the Property”)**

**Parties:**

**Mr Andrew Van Osch, 13 Resthaven Drive, Tokai, Cape Town, 7945, South Africa (“the Applicant”)**

**Mr Zachary Emerson, Mr Darryl Finnell, 111 Sciennes House Place, Edinburgh, EH9 1NN; Flat 3, 323 Leith Walk, Edinburgh, EH6 6SA (“the Respondents”)**

**Tribunal Members:**

**Alan Strain (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondents pay the sum of £1,146.74 to the Applicant.**

**Background**

This is a continued CMD. The original CMD took place on 17 October 2019 and was continued to allow the Second Respondent to lodge an amended time to pay application and to provide his current address.

No amended time to pay application was lodged by the Second Respondent.

**Case Management Discussion (CMD)**

The Applicant did not appear and was not represented. The Second Respondent appeared and represented himself. The First Respondent did not appear and was not represented. The Second Respondent informed the Tribunal that the First

Respondent now resided with his parents and provide the Tribunal with a contact email address.

The Tribunal considered the position and decided to proceed in absence of the Applicant in terms of Rule 29 of the Tribunal Procedure Rules given that the Applicant had been notified of the CMD, the time to pay applications lodged by both Respondents and had made his position known.

The Tribunal considered the time to pay applications lodged. The First Respondent had offered to pay at £25 per month and the Second at £50 per month. It was understood that the First Respondent's financial position had changed. The debt due was £1,146.74 in respect of admitted rent arrears. If both Respondents paid at the rates submitted then it would take around 16 months to pay the debt.

The Tribunal considered and appreciated the Respondents' stated financial positions disclosed in their time to pay applications but considered that the amount of time that would be taken to settle the debt was unreasonable and accordingly the Tribunal decline to grant a time to pay direction.

The Tribunal grant the order for payment in respect of the undisputed rent arrears in the sum of £1,146.74.

### **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.**

Alan Strain

**29 November 2019**

\_\_\_\_\_  
**Legal Member/Chair**

\_\_\_\_\_  
**Date**