



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) arising from a tenancy under Section 32 of the Housing (Scotland) Act 1988**

**Chamber Ref: FTS/HPC/CV/20/2634**

**Re: Property at Grange Cottage South, Dormont, Dalton, Lockerbie, Dumfriesshire, DG11 1DJ (“the Property”)**

**Parties:**

**Dormont Estate, Dormont, Dalton, Lockerbie, Dumfriesshire, DG11 1DJ (“the Applicant”)**

**Mr Aaron Blair, Ms Ashleigh Thomson, Grange Cottage South, Dormont, Dalton, Lockerbie, Dumfriesshire, DG11 1DJ (“the Respondent”)**

**Tribunal Members:**

**Susan Christie (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order for payment in favour of the Applicant in the sum of £2,800 be granted against the Respondents.**

**Background**

1. The Application under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) was made by the Applicants Representative, received by the Tribunal on 18 December 2020.
2. A Notice of Acceptance of the Application is dated 23 December 2020.
3. The Application seeks a payment order for unpaid rent due under a Short-Assured Tenancy (SAT).
4. No written responses were submitted by the Respondents in this application. A written response had been submitted in the conjoined case that also called today for a CMD.

## **The Case Management Discussion-27 January 2021**

5. A Case Management Discussion (CMD) took place today.
6. The Applicant was represented by Mrs Cathryn Duff and the Respondent Ms Ashleigh Thomson participated.
7. The paperwork submitted along with the Application was examined and discussed.
8. A SAT was entered into between the Applicant as the Landlord and the Respondents on 24 March 2017. The start date is 9 April 2017.
9. The rent is £ 5,400 per annum, payable at £450 per calendar month payable in advance.
10. It was agreed that the rent payments were made in full until April 2020. Thereafter irregular payments were made totalling £800 up to 9 December 2020. The shortfall of unpaid rent due and owing is £2,800.
11. The rent due in January 2021 has been paid at £450. The Respondents are expecting benefit payments to cover the rent for February 2021. They are actively seeking alternative accommodation.
12. The Respondents are not able to apply for a Time to Pay due to constraints in their finances. There is no realistic prospect of an agreement on repayment being reached at present. This will however be kept under review should their finances improve.

### **Findings in Fact**

- I. A Short-Assured Tenancy was entered into between the Parties on 24 March 2017 with a start date of 9 April 2017.
- II. The annual rent is to be paid at £450 per calendar month, payable in advance.
- III. As at the date of the lodging of the Application the rent arrears were £2,800 and remain so today.
- IV. The Respondents being in arrears of rent, a payment Order is granted for £2,800.

### **Reasons for Decision & Decision**

A SAT was entered into between the Applicant as the Landlord and the Respondents on. The start date is 9 April 2017.

The rent is £ 5,400 per annum, payable at £450 per calendar month payable in advance.

It was agreed that the rent payments were made in full until April 2020. Thereafter due to a change in the Respondents finances, irregular payments were made totalling £800 up to 9 December 2020. The shortfall of unpaid rent due and owing is £2,800.

The rent due in January 2021 has been paid at £450. The Respondents are expecting benefit payments to cover the rent for February 2021.

The Respondents are not able to apply for a Time to Pay due to constraints in their finances. There is no realistic prospect of an agreement on repayment being reached at present.

## 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.

Susan Christie

Legal Member/Chair

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27 January 2021  
Date