



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014**

**Chamber Ref: FTS/HPC/CV/20/2659**

**Re: Property at 8/11 Lindsay Road, Edinburgh, EH6 4DT (“the Property”)**

**Parties:**

**Mr Hamish Campbell, 185 Leith Walk, Edinburgh, EH6 6NX (“the Applicant”)**

**Mr Gordon Stewart, 8/11 Lindsay Road, Edinburgh, EH6 4DT (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order for payment against the Respondent for the sum of £4,200**

**Background**

[1] The Applicant submitted an application seeking an order for payment in the sum of £3,050. That sum related to arrears of rent incurred by the Respondent’s in respect of his occupation at the property. The Tribunal issued a letter to the parties dated 20 January 2021 advising them of the date, time and conference call details of today’s case management discussion. In that letter, the parties were also told that they required to participate in the case management discussion and were informed that the Tribunal could make a decision on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written

representations by 10 February 2021. On 4<sup>th</sup> February 2021, the Applicant made an application to increase the sum sought to £4,200 and produced an update rent statement in support of that. The Respondent wrote to the Tribunal by letter dated 7 February 2021, setting out his position.

### **The Case Management Discussion**

[2] The Applicant was represented by his solicitor, Mr Runciman. He and the Respondent participated in the discussion which took place by conference call. The Applicant's representative moved to increase the sum sought to £4,200 in terms of the application lodged on 4 February. The Respondent accepted that rent arrears are due by him, as reflected in the up to date rent statement. He indicated that he had encountered a difficulty in being able to pay rent as a result of issues caused by the coronavirus pandemic. The Respondent was not in a position to make proposals for payment of the rent arrears. In light of the admission in relation to rent arrears, the Tribunal allowed the sum sought to be increased to £4,200.

The Respondent advised that someone acting on behalf of the Applicant attended at the property and has undertaken work to fit a new bathroom, without giving him notice. The Applicant's representative was unable to provide any information about that. The Tribunal observed that this was not a matter which affected the present application.

### **Findings in Fact**

[3]

1. The parties entered into a Tenancy Agreement dated 28 September 2014.
2. The rent payable was £650 per month, payable in advance.
3. The Respondent has incurred rent arrears amounting to £4,200 as at 29 January 2021.
4. The Applicant is entitled to the Order sought for payment in the sum of £4,200.

### **Reason for Decision**

[4] The Applicant has produced documentation which shows that the Respondent has incurred rent arrears to the extent of £4,200 as at 29 January 2021. The Respondent explained the reason he encountered difficulty in paying the rent

as it fell due, but accepted that the rent arrears due are correctly set out in the rent statement. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Tribunal was satisfied that the Respondent is liable to pay rent arrears and therefore granted the order for payment.

### **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.**

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**Legal Member: Nicola Irvine**

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**Date: 24 February 2021**