

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

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**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/18/0733**

**Re: Property at 14/6 Roseburn Place, EDINBURGH, EH12 5NN (“the Property”)**

**Parties:**

**Mr Kieran Burns, Mrs Leila Burns, 41 Whitehouse Road, EDINBURGH, EH4 6NL  
 (“the Applicant”)**

**Mr Pierre Pelletier, 14/6 Roseburn Place, EDINBURGH, EH12 5NN (“the  
Respondent”)**

**Tribunal Members:**

**Anne Mathie (Legal Member)**

**Decision**

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

**An order for payment of rent arrears in the sum of £4625 should be made**

- **Background**

This is a civil case for a payment order for rent arrears due under the relevant tenancy agreement of the property known as 14/6 Roseburn Place, Edinburgh in the sum of £2475 on the initial application in terms of Section 16 of the Housing (Scotland) Act 2014. Documents lodged with the Tribunal were the tenancy agreement and various spreadsheets and bank statements detailing the rent arrears. The Tribunal fixed a Case Management Discussion and this was intimated to parties. The respondent made some written representations in the related eviction case (FTS/HPC/EV/18/0758) explaining his personal difficulties which had resulted in him struggling to make rent payments. Prior to the Case Management Discussion correspondence was received from the applicants requesting that the amount due be increased to the sum of £4625 to reflect the

current level of rent arrears. The Tribunal treated this as an application to amend in terms of Chamber Rule 13 and intimated this to respondent asking for him to respond by midday on 20 June 2018. No written response in respect of this was received.

- **The Hearing/Case Management Discussion**

The case management discussion took place in the presence of all parties. As a preliminary matter the Tribunal dealt with the application to amend. There being no objection the figure sought was increased to the sum of £4625 to reflect the current level of rent arrears. Discussion took place of all the documents and it was confirmed that only 2 payments had been made by respondent since the application was lodged those being £100 and £75 on 11 April 2018 and 13 April 2018 respectively. These were taken into account in updated figure. The respondent agreed with the figures stated.

- **Findings in Fact**

The respondent was due to pay rent in terms of his tenancy agreement and had failed or at least delayed to do so. The rent stated on the tenancy agreement was £650 but had increased to £775 from 30 September 2015.

The applicants are entitled to the order sought for payment of rent arrears in the sum of £4625

- **Reasons for Decision**

The Tribunal proceeded on the basis of written documents which were before it as detailed above and representations made by all parties. There was nothing before the Tribunal challenging or disputing any of the evidence before it.

- **Decision**

The applicants were entitled to an order for payment for rent arrears in the sum of £4625

## **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.**

**Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.**

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

A Mathie

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Legal Member/Chair

22 June 2018  
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Date