



**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/22/1256**

**Re: Property at 29D Hardgate, Haddington, EH41 3JS (“the Property”)**

**Parties:**

**Mr Christopher James Reith, Mrs Mami Reith, 18 Barnes Green, Livingston, West Lothian, EH54 8PP (“the Applicants”)**

**Mr Martin James Ellis, Miss Samantha Perkins, 29D Hardgate, Haddington, EH41 3JS (“the Respondents”)**

**Tribunal Members:**

**John McHugh (Legal Member) and Sandra Brydon (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the Respondents jointly and severally to the Applicants of the sum of £3240 should be made. In the case of the First Respondent, his application for a time to pay direction of £200/month should be granted.**

**Background**

The Applicants are the landlord and the Respondents the tenant of the Property in terms of a short assured tenancy dated 28 March 2017.

**The Case Management Discussion**

A Case Management Discussion (“CMD”) took place by telephone on 22 November 2022. The Applicants were represented by Ian Philp, solicitor. The Applicants did not attend. Mr Philp confirmed that there was a long history of underpayment of rent and that there had been no payments since April 2022 with the effect that the total rent outstanding now exceeded £7000. The sum claimed in the present application remains £3240.

## **Findings in Fact**

The Applicants are the landlord and the Respondents the tenant of the Property in terms of a short assured tenancy dated 28 March 2017.

The tenancy agreement provides that the obligation to pay rent is joint and several.

At the time of the application rent of £3240 was unpaid. This amount has increased since.

## **Reasons for Decision**

The Respondents are due to pay the outstanding rent and the Tribunal knows of no circumstances which suggest otherwise.

The First Respondent's time to pay application lies within a range of potentially reasonable payment proposals. The Applicant is prepared to accept it. It appears to the Tribunal reasonable in the circumstances to grant that application.

## **Decision**

**An Order will be made for payment by the Respondents jointly and severally of the sum of £3240. The First Respondent's time to pay application of £200/month will be granted.**

## **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.**

# J. McHugh

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Legal Member/Chair

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Date 22 November 2022