

**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/18/2337**

**Re: Property at 97C Inveresk Road, Musselburgh, EH21 7AZ (“the Property”)**

**Parties:**

**Mr Donald Munro, 10 Frogston Avenue, Edinburgh, EH10 7AQ (“the Applicant”)**

**Ms Angelina Spencer, 33G Newbigging, Musselburgh, EH21 7AL (“the Respondent”)**

**Tribunal Members:**

**Yvonne McKenna (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment be made against the Respondent in the sum of £851.88**

**Background**

The Applicant submitted an application seeking an order for payment in the sum of £851.88. That sum related to arrears of rent in respect of the Respondent’s tenancy of the Property. The Tribunal intimated the application to the parties by letter dated 26<sup>th</sup> November 2018 and advised them of the date, time and place of today’s Case Management Discussion. In that letter parties were also told that they required to attend the hearing and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representation. She had instructed Mr. Ian Girot, of Haddington Citizens Advice Bureau as her Representative and had indicated via her Representative that the sums sued for were not denied. She had requested a postponement of the CMD in order

that a payment plan could be put in place. The request for the adjournment was refused and the CMD proceeded today.

#### The CMD

The Applicant was in attendance supported by his wife who is the joint landlord of the Property. The Respondent's Representative was present. He advised the Tribunal that liability was not in dispute. The Applicant sought the order for payment. Parties indicated that they would discuss directly between them the implementation of a repayment plan. They were told that this is not something that the Tribunal has any jurisdiction over.

#### Findings in Fact

- 1 The Applicant and his wife entered into a Tenancy Agreement for the Property dated 7<sup>th</sup> April 2015 .The period of the tenancy was from 3<sup>rd</sup> May 2015 to 3<sup>rd</sup> November 2015 .Thereafter the tenancy continued by tacit relocation.
- 2 The rent payable was £720 per month.
- 3 As at the date of the CMD, rent arrears amounted to £851.88.
- 4 The Applicant is entitled to the order sought for payment in the sum of £851.88

#### Reasons for Decision

The Applicant has produced a rent statement showing rent arrears due of £851.88 at the time the present application was presented The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. Liability was accepted in the amount sought .The Tribunal was satisfied that rent arrears are due by the Respondent and therefore granted the order for payment.

#### Decision

An order was granted for payment against the Respondent in the sum of £851.88.



## 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.

Yvonne McKenna

 Legal Member/Chair

19/12/18  
Date