



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/CV/20/1317

Re: Property at 11 Arthur View Crescent, Danderhall, Dalkeith, EH22 1NG (“the Property”)

Parties:

Mr Antonio Crolla, 106 High Street, Dalkeith, EH22 1AU (“the Applicant”)

**Ms Eileen Lindsay, 11 Arthur View Crescent, Danderhall, Dalkeith, EH22 1NG
 (“the Respondent”)**

Tribunal Members:

Virgil Crawford (Legal Member)

Decision

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

BACKGROUND

- 1 By lease dated 30 November 2020 the Applicant let the Property to the Respondent;
- 2 The rent was initially £650.00 per calendar month. As at the date of the application to the Tribunal, (June 2020) it had increased to £750.00 per calendar month;
- 3 The Respondent had fallen in to arrears of rent. It was agreed that, as at 5 October 2020 the amount due was not less than £8,919.83;

CASE MANAGEMENT DISCUSSION

- 4 A Case Management Discussion was held on 5 October 2020. It was conducted by teleconference;

- 5 The Applicant did not participate personally but was represented by Mrs J Barr of AM Lettings Ltd. The Respondent participated personally;
- 6 Mrs Barr advised that an updated rent statement had been prepared and that as of September 2020 the amount of rent outstanding was £8,919.83. The Respondent accepted that the amount outstanding was not less than that;
- 7 The Respondent stated that she knew the money was due but requested a reduction to take account of:-
 - a. Repairs effected to the boiler within the Property. These were required during the coronavirus lockdown period and were not attended to by the Applicant;
 - b. Replacement of the oven and hob within the Property;
 The Respondent advised that the amount involved was between £200 and £300 but was no more specific than that;
- 8 Mrs Barr for the Applicant advised:-
 - a. She was aware of the need for a repair to the boiler. Originally it had been intended that the Respondent would vacate the Property on 28 June 2020. They became aware of the issue shortly before then and intended effecting a repair thereafter. The Respondent, however, did not move out and appears to have instructed some repairs herself;
 - b. In relation to the oven and hob, it was not accepted that these needed repaired nor replaced. This was something the Respondent did as a matter of personal choice;
- 9 The Respondent advised that she had not intimated these issues to the Tribunal previously. She was frank in saying that she had been having difficulty in facing up to the problems she was facing in relation to the Property;
- 10 The Respondent alluded to making payments towards the arrears due. She had received but had not completed nor submitted a time to pay direction. She was working now but also in receipt of universal credit. There had been no application for housing benefit so no delay in that or any other benefit being received;
- 11 The Respondent suggested that she could make payment at the rate of £100.00 every two weeks, in addition to rent payments due. Given the level of arrears, payment at that rate would take approximately three and a half years to clear the sum due;

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FINDINGS IN FACT

- 12 The Tribunal found the following facts admitted or proved:-
 - a. By lease dated 30 November 2020 the Applicant let the Property to the Respondent;
 - b. The rent was initially £650.00 per calendar month. As at the date of the application to the Tribunal, (June 2020) it had increased to £750.00 per calendar month;
 - c. The Respondent had fallen in to arrears of rent. As at 5 October 2020 the amount due was not less than £8,919.83

REASONS FOR DECISION

- 13 There was no dispute that a sum of not less than £8,919.83 was outstanding in relation to rent. The only two matters for the Tribunal to consider was whether the amount should be reduced to take account of the issues raised by the Respondent and whether time to pay should be allowed;
- 14 In relation to a reduction of the amount due, the Tribunal did not reduce the amount. The matters raised by the Respondent were inspecific and lacking in detail. In the event that she is entitled to claim any sums from the Applicant she can present a separate application for payment to the Tribunal. Given the relatively small value she was claiming (£200 - £300) as set against the admitted arrears (£8,919.83) it was not in the interests of justice to delay an order for payment;
- 15 In relation to a time to pay direction, the amount proposed would take in excess of three years for payment. The Tribunal did not consider that to be reasonable and refused to make a time to pay direction.

DECISION

The Tribunal granted an order against the Respondent for payment of the undernoted sum to the Applicant:

The sum of EIGHT THOUSAND NINE HUNDRED AND NINETEEN POUNDS AND EIGHTY THREE PENCE (£8,919.83) STERLING

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.

V Crawford

Legal Member



5 October 2020
Date