



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the private Rented (Tenancies) Scotland Act 2016

Chamber Ref: FTS/HPC/CV/20/2090

Re: Property at 54 Roseberry Place, Hamilton, ML3 9EP (“the Property”)

Parties:

Mr Sandor Dogei, 148 Torbrex Road, Cumbernauld, G67 2LS (“the Applicant”)

Mr Graham Ditchburn, 54 Roseberry Place, Hamilton, ML3 9EP (“the Respondent”)

Tribunal Members:

Jan Todd (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment in favour of the Applicants should be granted in the sum of £3250 payable in instalments of £180 per week commencing on Friday 4th December 2020.

- **Background**

1. This was the first case management discussion (CMD) in respect of an application by the Applicant dated 1st October 2020 for an order for payment in respect of arrears of rent for the Property against the Respondent.

The following documents were lodged with the application:-

- A copy of the Tenancy Agreement dated 24th January 2020
 - Rent statement showing,
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2. The Applicants in their application were seeking an order for payment of rent arrears in the sum of £2,800. By letter dated 2nd November they intimated a request to revise the sum claimed to £3250 and enclosed a copy of a letter

sent to the Respondent dated 2nd November 2020 confirming the notice to amend in terms of Rule 14A of the Tribunal's rules.

CMD discussion

3. The CMD proceeded today by way of teleconference due to the continued requirement at the current time for social distancing. The Convener made introductions, and explained how the CMD would be conducted over the teleconference. The Applicant attended as did the Applicant's representative Ms Kirsty Morrison from TC Young. The Respondent was also in attendance and was not represented.
4. Ms Morrison advised that she was seeking an order for payment in the revised sum of £3,250 and referred to the documents lodged in support of this claim.
5. The written documentation shows a tenancy had been created between the parties where the Respondent leased the Property from the Applicant from 24th January 2020.
6. The revised rent statement lodged shows that arrears have built up from January 2020 and no payment at all has been made since August this year. Ms Morrison advised she was seeking an order for her client in the full amount outstanding.
7. The Respondent was then asked his position and he confirmed he is still living in the Property, he agrees the sum claimed is outstanding and explained that he lost a job during the Covid 19 pandemic and started to struggle to pay his rent. He advised that he has started a new job and wanted to offer to pay the arrears in instalments of £180 per week. The legal member checked that he did feel this was a sum he could meet and he confirmed that he felt he was able to do so.
8. A short adjournment was then given to allow Ms Morrison to consult her client and on the return to the teleconference Ms Morrison confirmed that provided the offer of £180 was in addition to the payment of the monthly rent her client was happy to accept this.
9. The Respondent confirmed he wished to make payments each Friday and offered to start on 4th December.

Findings in Fact

1. The parties entered into a lease of the Property which commenced on 24th January 2020 and is a Private Rented Tenancy.
2. The Tenancy is continuing.
3. The Rent due in terms of the lease is £450 each calendar month payable in advance
4. The Respondent failed to pay any rent in February, March, May, June, August, September and October and made some payments in April and July
5. The rent outstanding at 24th October 2020 is £3250
6. No further payments have been made towards the rent.

• Reasons for Decision

7. The parties entered into a lease where the Respondent has leased the property from the Applicant from 24th January 2020 and has agreed to pay £450 rent monthly in advance.
10. The Applicant has intimated a request to amend the sum sought to allow them to claim rent due up to 24th October 2020 and has complied with Rule 14A of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 which states that any amendment to the application including to the sum claimed must be intimated at least 14 days prior to a case management discussion or hearing by intimating such amendment more than 14 days before today's discussion.
8. The Respondent has failed to make payment of the full amount since February 2020.
9. The Applicant is entitled to recover rent lawfully due.
10. The Respondent accepted he owes the rent amounting to £3,250. He has offered to pay £180 per week commencing on 4th December 2020 and indicated he was happy and felt able to pay toward the arrears as well as pay the ongoing rental payments of £450 due each month.
11. The Applicant has accepted the offer to pay in instalments starting on 4th December and therefore the Tribunal has made an order to pay by instalments at the rate of £180 per week.

Decision

An Order for payment of the sum of £3,250 is granted in instalments of £180 per week commencing on 4th December 2020.

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.

Jan Todd
Legal Member/Chair

23rd November 2020
Date