



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/21/0818**

**Re: Property at 4 Hunter Terrace, Loanhead, EH20 9SJ (“the Property”)**

**Parties:**

**Mr David Dick, 146 Newbattle Abbey Crescent, Dalkeith, EH22 3LR (“the Applicant”)**

**Mr Callum O'Meara, Mr Ross Webster, 4 Hunter Terrace, Loanhead, EH20 9SJ; 4 Hunter Terrace, Loanhead, EH20 9SJ (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Ann Moore (Ordinary Member)**

**Background**

The Applicant seeks a Payment order in respect rent arrears said to have been accrued by the Respondents under a Private Residential Tenancy at the Property. When the Application was lodged the sum of £1,925.00 was claimed. The Applicant had however intimated to the Tribunal that the arrears had increased and the sum of £3,025.00 was not due. Whilst there had been no formal Application to amend the sum claimed, the Tribunal was satisfied that all parties had fair notice of the new sum said to be due. The Application was accompanied by a rent statement together with a copy of the Tenancy.

**The Case Management Discussion**

The matter called for a Case Management Discussion at 10 am on 24 May 2021. The Application called alongside the related Application with reference FTS/HPC/EV/21/0774 in respect of an Eviction Order.

The Applicant was represented on the call by Ms Barr of AM Lettings, Mr O'Meara was represented on the call by his mother Ms McGrath and Mr Webster was also present.

Prior to the Case Management Discussion, the Respondents had emailed the Tribunal to advise that they acknowledged the existence of rent arrears and that they would like to make arrangements for repayment with the Applicant.

At the outset of the Case Management Discussion this position was confirmed again separately on behalf of both Respondents who confirmed that the sums claimed as rent arrears were probably accurate.

Having heard from the parties, the Tribunal made the following findings in fact.

### **Findings in Fact**

- I. The parties entered into a Private Residential Tenancy which commenced on 1 April 2018;*
- II. The Applicant was the landlord and the Respondents were the tenants;*
- III. The contractual rent due was originally £461.50 every four weeks until July 2020 when the Applicant appears to have increased the rent due to £550.00 per month.*
- IV. The Respondents fell into rent arrears and as at today's date the sum of £3,025.00 is lawfully due as rent by the Respondents to the Applicant.*

### **Reasons for Decision**

Having made the above findings in fact, the Tribunal granted the Application and made a Payment Order in the sum of £3,025.00. The Applicant did not wish any interest to run on that sum until payment.

### **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.**

**A.M.**

**Legal Member:**

**Date: 24/05/2021**