



**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/22/2524

**Re: Property at Hillocks Cottage West, Charlestown, Dunfermline, KY11 3DN ("the
Property")**

Parties:

**Broomhall Estate, Broomhall Estate Office, Charlestown, Dunfermline, KY11 3DT
("the Applicant")**

**Mr Joe Gowans, 222 Baberton Mains Drive, Edinburgh, EH14 3EA ("the
Respondent")**

Tribunal Member:

Gillian Buchanan (Legal Member)

Decision

At the Case Management Discussion ("CMD"), which took place by telephone conference on 17 April 2023, the Applicant was represented by Ms Emma Savage of Davidson & Robertson and the Respondent was in attendance.

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the
Tribunal") determined that:-**

Background

The Tribunal noted the following background which was not in dispute between the parties:-

- i. The Applicant leased the Property to the Respondent in terms of a Private Residential Tenancy Agreement ("the PRT") that commenced on 1 June 2018.
- ii. The rent payable in terms of the PRT was £500 per calendar month payable in advance on the first day of each month.
- iii. A deposit of £500 was paid.
- iv. The application is dated 25 July 2022.
- v. The sum due in terms of the application was amended to £7,140 prior to service thereof.

The CMD

At the CMD Ms Savage made the following representations for the Applicant:-

- i. A rent review took place in 2019 and the rent payable in terms of the PRT was increased to £510 per calendar month with effect from August 2019.
- ii. The Respondent vacated the Property on or around 25 August 2022 and posted the keys back to Ms Savage, arriving with her on 29 August 2022.
- iii. The arrears due to the date of the Respondent's removal from the Property are £7,140.
- iv. The deposit has been claimed by the Applicant due to the condition of the Property.
- v. There has been no engagement from the Respondent relative to payment of the arrears.
- vi. The Applicant seeks a payment order in a sum of £7,140.

At the CMD the Respondent made the following representations:-

- i. He accepted the representations of Ms Savage. In particular he accepted the rent arrears of £7,140 to be due.
- ii. He said he had many other debts.
- iii. On 15 September 2021 the Respondent entered rehab due to alcoholism. He also suffered mental health issues.
- iv. He is now getting back on track.
- v. He anticipates signing a Trust Deed next month on expiry of the current moratorium.
- vi. If, for any reason, a Trust Deed is not signed, he will make himself bankrupt.
- vii. He apologised to the Applicant for the position and for the condition in which the Property was left. He said he was unable to do anything due to his ill health at that time.
- viii. He had no objection to a payment order being granted in a sum of £7,140.

Findings in Fact

- i. The Applicant leased the Property to the Respondent in terms of the PRT which commenced on 1 June 2018.
- ii. The rent payable in terms of the PRT was initially £500 per calendar month payable in advance on the first day of each month.
- iii. The rent payable in terms of the PRT was increased with effect from August 2019 to £510 per calendar month.
- iv. Rent arrears of £7,140 are due by the Respondent to the Applicant.

Reasons for Decision

The Respondent admitted the arrears and consented to a payment order being granted in a sum of £7,140.

Decision

The Tribunal grants a payment order in a sum of £7,140.

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.

Gillian Buchanan

Legal Member/Chair

17 April 2023
Date