



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 (1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“The Act”)

Chamber Ref: FTS/HPC/EV/22/3916

Re: Property at 12 Cospatrick Gardens, Dunbar, EH42 1FR (“the Property”)

Parties:

Places for People Scotland Limited, 1 Hay Avenue, Edinburgh, EH16 4RW (“the Applicant”)

Ms Georgia Hogan, Mr Terence Thomson, 12 Cospatrick Gardens, Dunbar, EH42 1FR (“the Respondent”)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) decided to grant the Application and made a Payment Order in favour of the Applicant in the sum of £9,494.04 with interest running on that sum at the rate of 4 per cent from today’s date until payment.

Background

The Applicant seeks a Payment Order for rent arrears of £9,494.04 said to have been accrued by the Respondents under a tenancy between the parties.

The Case Management Discussion

The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 10 February 2023. The CMD called alongside a related Application in respect of an Eviction Order between the parties. The Applicant was represented by Mr Caldwell, solicitor of Patten & Prentice. The First Respondent, Georgia Hogan was present. There was no appearance by or on behalf of the Second Respondent, Mr

Terrence Thomson. On the basis that the Application and information about to join the conference call had been competently served on Mr Terrence Thomson, the Tribunal decided to proceed in his absence.

The Tribunal established whether either party had any preliminary matters. Mr Caldwell confirmed that the current rental arrears were in the sum of £9,494.04 and this was the sum now sought in the Application with interest.

Ms Hogan began by indicating that she wished time to take legal advice. She indicated very recent efforts to obtain legal advice. Ms Hogan had previously made an application to have the Tribunal “cancelled” for this purpose. This had been treated as an application for a postponement and had been refused.

Ms Hogan had no real defence to the Application for the Payment Order but provided helpful insight into her personal circumstances.

Having heard from parties and having considered the Application with enclosures, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The parties entered into a tenancy agreement whereby the Applicant let the Property to the Respondents by virtue of a Private Residential Tenancy Agreement that commenced on 14 February 2020;*
- II. *The contractual monthly rent was initially £795.00 and is now £843.00;*
- III. *The Respondents fell into rent arrears at the outset of the tenancy and have been in arrears continuously since then;*
- IV. *As at today’s date the sum of £9,494.04 is lawfully due as rent arrears by the Respondents to the Applicant but remains unpaid;*

Reasons for Decision

The Tribunal considers that as no defence has been put forward to the Application, that there is no benefit in delaying any final decision for the purpose of allowing Ms Hogan to take further advice. The Tribunal has a full understanding of the facts and any delay would simply not be in the interests of justice.

Having made the above findings in fact, the Tribunal unanimously granted the Application and made a Payment Order in the sum of £9,494.04 with interest running on that sum at the rate of 4 per cent from today's date 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.



Legal Member/Chair

10 February 2023

Date