



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

**Chamber Ref: FTS/HPC/CV/23/1670**

**Re: Property at 60 Steele Avenue, Mayfield, Midlothian, EH22 5LR (“the Property”)**

**Parties:**

**Mr Malcolm Lang, C/O 61A Queen Street, Edinburgh, EH2 4NA (“the Applicant”)**

**Mr Cameron Calder, Ms Katie Mcleish, 60 Steele Avenue, Mayfield, Midlothian, EH22 5LR (“the Respondent”)**

**Tribunal Member:**

**Ms H Forbes (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in favour of the Applicant in the sum of £2,076.**

**Background**

1. By application received between 23<sup>rd</sup> and 25<sup>th</sup> May 2023 and made under Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Rules”), the Applicant applied for an order for payment. The Applicant representative lodged a copy of the private residential tenancy agreement between the parties, which commenced on 11<sup>th</sup> June 2021 with a monthly rent of £675, and a rent statement.

**The Case Management Discussion**

2. A Case Management Discussion (“CMD”) took place by telephone conference on 23<sup>rd</sup> August 2023. The Applicant was not in attendance, and was represented by Mr Lee Simpson, Saltouns Property Lettings. The Respondents were in attendance.

3. Mr Simpson said the arrears were now £2576.64. Some payment of rent is now being made by Universal Credit, but there is a shortfall. A Notice to Leave has been served on the Respondents and an application has been made for an eviction order.
4. The Respondents said they did not dispute the sum was outstanding and explained how they got into difficulty due to unexpected injury and ill health, which had an effect on their income. The Respondents said they are now getting back on their feet and hope to enter into a payment plan to clear the arrears. They have taken advice from the local authority and have been told to stay in the Property until the eviction application is heard by the Tribunal or they will be considered intentionally homeless.
5. There was some discussion about the way forward, given that no application had been made in terms of Rule 14A to amend the sum sought. Mr Simpson asked the Tribunal to grant an order in the original sum.

### **Findings in Fact and Law**

6.
  - (i) Parties entered into a private residential tenancy that commenced on 11<sup>th</sup> June 2021 with a monthly rent of £675.
  - (ii) Rent lawfully due in terms of the tenancy agreement has not been paid by the Respondents.
  - (iii) The Applicant is entitled to recover rent lawfully due.

### **Reasons for Decision**

7. The Respondents have failed to make payment of rent lawfully due. The Applicant is entitled to recover rent lawfully due in terms of the tenancy agreement between the parties.

### **Decision**

8. An order for payment is granted in favour of the Applicant in the sum of £2,076.

### **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.**

**Helen Forbes**

**Legal Member/Chair**

**Date: 6<sup>th</sup> July 2023**