



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/20/1542

Re: Property at 40 Kilngate Brae, Edinburgh, EH17 8UU (“the Property”)

Parties:

Mr Alexander Reid, 5/3 Gladstone Place, Edinburgh, EH6 7LX (“the Applicant”)

Mr Oyekunle Oyenuga, 40 Kilngate Brae, Edinburgh, EH17 8UU (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment against the respondent be made in the sum of Three Thousand Eight Hundred Pounds Sterling (£3,800). Said order is subject to a time to pay direction which requires the sum to be paid within 3 months

INTRODUCTION

This is an application under Rule 111 and Section 71 of the Private Residential (Tenancies) (Scotland) Act 2016.

Service of the application and notification of the Case Management Discussion (CMD) was made on the respondent by Sheriff Officer delivery on 1 September 2020.

The CMD took place by teleconference at 2.00 pm on 29 September 2020.

Both the applicant and respondent represented their own interests personally.

In advance of the CMD the respondent lodged a time to pay application which is dated 22 September 2020 in which he admitted the claim made against him.

FINDINGS AND REASONS

The property is 40 Kilngate Brae, Edinburgh EH17 8UU.

The applicant is Mr Alexander Reid. He is the former landlord. The respondent is Mr Oyekunle Oyenuka who is the tenant. He remains in the property

The parties entered into a private residential tenancy which commenced on 1 September 2019. The rent was stipulated at £950.00 per calendar month. A deposit was paid in the sum of £1,425.00.

The respondent started to fall into arrears of his rent payments in December 2019.

As at the date of the application to the Tribunal on 15 July 2020, four full months' rent remained outstanding totalling £3,800.00. This has been admitted by the respondent. The applicant is entitled to recover arrears of rent lawfully due under the lease.

Following service of the documents and intimation of the CMD upon the respondent, the applicant has lodged additional submissions relating to further rent arrears which have accrued.

No Rule 14A amendment application has been made to the Tribunal nor intimated to the respondent regarding the attempt by the applicant to seek increased sums. The applicant advised that he was not seeking to formally amend / increase the sum sought. There remains a good working relationship between the parties.

In the time to pay direction the respondent clearly admits the claim made against him and accepts that he has fallen behind with payments of rent lawfully due. The applicant is entitled to recover arrears of rent lawfully due under the lease.

The respondent made application to pay the sums outstanding by one lump payment within 3 months. This is a reasonable proposal and is one accepted by the applicant.

An order for payment in the sum of £3,800 is made subject to a time to pay direction requiring payment within 3 months.

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.

Richard Mill

29 September 2020

Legal Member/Chair

Date