



**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/20/1572

Re: Property at 48A Sighthill Crescent, Edinburgh, EH11 4QD (“the Property”)

Parties:

Kemp & Kimbell, 50A Sighthill Crescent, Edinburgh, EH11 4QD (“the Applicant”)

Ms Kerriann Kerr, 38 Parkhead Avenue, Edinburgh, EH11 4SG (“the Respondent”)

Tribunal Members:

Helen 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 £700 with a time to pay direction made under Section 1(1) of the Debtors (Scotland) Act 1987 providing for payment by monthly instalments of £40.

1. This is an application dated 22nd July 2020, made in terms of Rule 70 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the Rules”). The Applicant was seeking an order for payment in the sum of £3850 in respect of rent arrears arising from a short assured tenancy agreement between the parties. The tenancy commenced on 9th January 2017, with a monthly rent of £900.
2. A Case Management Discussion (“CMD”) was set down for 19th January 2021.
3. By emails dated 18th and received by the Tribunal on 19th January 2021, parties’ representatives informed the Tribunal that agreement had been reached. A joint minute was lodged with the Tribunal reflecting the agreement

of the parties that an order for payment should be granted in the sum of £700. The terms of the joint minute included an application for a time to pay direction, for payment to be made in monthly instalments of £40. Parties' representatives indicated they would be content if the CMD was discharged.

4. The Tribunal considered the matter in terms of Rule 18 and decided it could make a decision without a hearing as the facts were not disputed by the parties and agreement had been reached. The CMD was discharged.

Findings in Fact

5.
 - (i) Parties entered into a short assured tenancy agreement in respect of the Property that commenced on 9th January 2017 with an agreed rent of £900 per month.
 - (ii) Rent lawfully due in terms of the tenancy was not paid by the Respondent.
 - (iii) The Applicant is entitled to recover rent lawfully due.

Reasons for Decision

6. The Respondent has 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

7. An order for payment is granted in favour of the Applicant in the sum of £700. A time to pay direction is made providing for instalment payments due in the sum of £40 per month.

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

19th January 2021
Date