



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/20/2313

Re: Property at 143 1F2 Ferry Road, Edinburgh, EH6 4ET (“the Property”)

Parties:

Mr Thomas Douglas Dickson, 1/4 John Paul Jones View, Edinburgh, EH6 4ET (“the Applicant”)

Mr Andrew Storar, 143 1F2 Ferry Road, Edinburgh, EH6 4ET (“the Respondent”)

Tribunal Members:

Lesley-Anne Mulholland (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) decided to make a Payment Order in the sum of £6,199.00.

Background

1. The applicant entered into a private rental agreement with the respondent for the property at 143, 1F2 Ferry Road, Edinburgh EH6 4ET.
2. On 8 January 2021, an application for a payment order was accepted. The Payment Order sought was in the sum of £6,199.00 and represented rent arrears and late payment charges.

The Case Management Discussion

3. A case management discussion took place on the 12th March 2021 at 1000am. Alison McInnes represented the applicant and Mr Storar attended. He is the tenant and respondent.
4. The hearing proceeded remotely by telephone conference. I am grateful to those participating in the hearing for their patience and understanding. I am satisfied that the hearing was fair and that all participants were able to put their points across and hear each other. No obvious issues arose.
5. Mr Storar accepted that the sum of £6,199.00 was due. He asked for time to pay in the sum of £200 per month. He explained that he has been suffering from poor mental health. Miss McInnes was agreeable to payment by instalments at this rate, even though it would take around 2 ½ years to pay off, as she informed me that Mr Storar has been a good tenant and she appreciates the difficulties he has had.

Findings in Fact

1. The applicant entered into a private rental agreement with the respondent for the property at 143, 1F2 Ferry Road, Edinburgh EH6 4ET.
2. Rent arrears and late payment charges have accrued in the sum of £6,199.00.
3. Mr Storar has been suffering from depression and has recently engaged with his GP. He is being treated with medication and is seeing a therapist.
4. His mental health issues prevented him from being able to seek assistance and keep on top of the requirements to remain entitled to social security benefits.
5. He was cut off Jobseeker's Allowance because of his failure to attend an interview. This in turn caused the local authority to remove his entitlement to housing benefit. The removal of housing benefit meant that he could not pay his rent.
6. He ran up rent arrears because of the loss of his social security and housing benefits.

Reasons for Decision

7. Mr Storar explained that in 2019 he began to suffer from depression. As a consequence, he was unable to engage with the DWP. He was not coping with life and could not attend to correspondence or any reasonable request to attend the job centre for an interview, which was a requirement for remaining entitled to Universal Credit.

8. His health deteriorated but he could not find it within himself to seek assistance from his General practitioner. As a consequence of him failing to attend an interview with the job centre about his Universal Credit, a decision was taken removing entitlement which had the effect of also removing his entitlement to housing benefit .
9. Arrears of rent began to accrue but he could not discuss the situation with his landlord or those representing him because of his ill health. He accepts that he owes his landlord £6199 which includes charges for late payment of rent. He is agreeable to meeting these charges notwithstanding that there is nothing within the tenancy agreement specifying that these charges could be levied.
10. He explained that it is only recently that he has been able to consult with his General Practitioner to seek assistance. He has been prescribed medication and is beginning to feel better but he has a long journey ahead. He has now reclaimed Social Security benefits and he has given an undertaking to his landlord that he will vacate the property at the end of this month.
11. Mr Storar offered to pay at the monthly rate of £200. It was explained to Mr Storar that, at present time, he remains without any Social Security benefits to be able to pay this sum, however he informed me that he expects to receive payment shortly.
12. It was explained this would take around 2 ½ years to pay off the debt, however Miss McInnis was agreeable to this payment plan as she has a long history of dealing with Mr Storar and has always found him personable and agreeable. She has sympathy, empathy and understanding for the situation he finds himself in and the reasons for it. Accordingly, I decided to grant the time to pay order at the monthly rate of £200.
13. Miss McInnis helpfully pointed out that she has provided leaflets to Mr Storar to signpost him to organisations that may be able to assist him further. I thank Miss McInnes for her helpful approach and consideration of this matter.
14. I also thank Mr Storar for the candid discussion he had about his health issues bearing in mind this may have been very difficult for him. The attitude taken by both of them assisted greatly in the resolution of the matter in a timely and respectful manner.

Decision

A Payment Order in the sum of £6,199.00 is made.

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.

Lesley-Ann Mulholland

Legal Member/Chair

Date 12 March 2021