



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/22/2071

Re: Property at 1F4 4 Edina Street, Edinburgh, EH7 5PN (“the Property”)

Parties:

Flat Earth Properties Limited, 1 Park Road, Eskbank, Dalkeith, EH22 3DF (“the Applicant”)

Mr Tomas Vagasky, 1F4 Edina Street, Edinburgh, EH7 5PN (“the Respondent”)

Tribunal Member:

Nicola Irvine (Legal Member)

Decision in the absence of the Applicant

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Order for Payment against the Respondent in favour of the Applicant in the sum of £3,584, subject to a time to pay direction, requiring the Respondent to pay at the rate of £50 per month.

Background

1. The Applicant submitted an application under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order for payment in respect of rent arrears said to have been incurred by the Respondent.
2. By decision dated 22 July 2022, a Convenor of HPC having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion.
3. The Notice of Acceptance was intimated to the Applicant’s representative on 25 July 2022. The Tribunal intimated the application to the parties by letter of 25 August 2022 and advised them of the date, time and conference call details of today’s case management discussion. In that letter, the parties were also told

that they required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 15 September 2022.

4. On 21 September 2022, the Tribunal received an application from the Respondent for a time to pay direction. The Respondent offered payment at the rate of £50 per month.
5. On 29 September 2022, the Tribunal received the Applicant's response to the Respondent's application for a time to pay direction, indicating that the offer of payment at the rate of £50 per month was acceptable.

The case management discussion

6. The Respondent took part in the discussion. The case management discussion took place by conference call and proceeded in the absence of the Applicant. The Respondent admitted that the sum of £3,584 is due by him in relation to arrears of rent. He explained that wishes to pay this sum by instalments of £50 per month. The Tribunal explained that the Applicant's representative lodged a response to the time to pay application, indicating that the offer of instalments of £50 per month is acceptable.

Findings in Fact

7. The parties entered into a short assured tenancy which commenced 2 September 2014.
8. The Respondent is obliged to pay rent at the rate of £475 per month.
9. As at 2 June 2022, the rent arrears due by the Respondent amounted to £3,584.

Reason for Decision

10. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Respondent accepted that the sum sought by the Applicant was due by him. He offered payment by instalments of £50 per month and that offer was acceptable to the Applicant.

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

4 October 2022
Date