

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Statement of Decision 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/17/0539**

**Re: Property at 23 Kirkgate, Currie, EH14 6AP ("the Property")**

**Parties:**

**Mr John Steven, Mrs Carolyn Steven, 34 Kirkgate, Currie, EH14 6AH ("the Applicant")**

**Miss Jill Robert, 23 Kirkgate, Currie, EH14 6AP ("the Respondent")**

**Tribunal Members:**

**Nairn Young (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an Order for payment of the amount of £2,000 should be made.**

- **Background**

The application is for an Order for payment to be made for £2,500 regarding arrears of rent, £800 in regard to rent which the tenant was not required to pay timeously by agreement; and interest. Following communication from the Tribunal in relation to the last head of claim, the applicants intimated that they are not insisting on the payment of interest.

Documents lodged with the application were a tenancy agreement, statement of rent outstanding and bank statements.

- **The Hearing**

The case management discussion took place at 2pm on 16 February 2018. The applicants were personally present. The respondent was not present and had made no written representations.

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- Findings in Fact

1. The property is let by the applicants to the respondent in terms of a short assured tenancy dated 10 November 2016 and running from 1 November 2016. In terms of the tenancy agreement, the monthly rent is £500, payable on the first of each month in advance. No deposit was required in terms of the tenancy.
2. The applicants agreed with the respondent verbally that the first month's rent would be waived and that she could pay at a rate of £400 per month thereafter. The remaining sum of £100 per month would be held as outstanding until the respondent was in a position to pay it. The parties did not contemplate that the applicants could make a unilateral demand for that sum. The respondent made 8 payments of £400 covering the period 1 December 2016 to 31 Jul 2017.
3. No rent has been paid in regard to the period 1 August 2017 to 31 December 2017.
4. The respondent has refused to engage with the applicants in relation to the sums outstanding and has made no offer to pay.

- Reasons for Decision

In terms of the agreement made between the parties, the sum of £400 per month was due. The respondent has failed to make payment in relation to 5 months and is therefore liable to pay £2,000 in regard to unpaid rent.

The agreement between the parties does not allow the applicants unilaterally to demand payment of the outstanding amounts relating to the reduction to the rent to be paid timeously.

- Decision

Order for payment of the sum of £2,000 granted.

### **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.**

**Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by**

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upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

NAIRN YOUNG

Legal Member/Chair

Date

16 February 2018