



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 (“the 2014 Act”)

Chamber Ref: FTS/HPC/CV/19/0133

Re: Property at 89/4 Harvester Way, Edinburgh, EH14 3JJ (“the Property”)

Parties:

Places for people homes Limited, Care OF Touchstone, 2 Crescent Office Park, Bath, BA2 2AF (“the Applicant”)

Mr Moses Oluka, 89/4 Harvester Way, Edinburgh, EH14 3JJ (“the Respondent”)

Tribunal Members:

Anne Mathie (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent shall make payment to the Applicant of the sum of three thousand two hundred pounds (£3200).

- **Background**

This was an application under Section 16 of the 2014 Act and Rule 70 of the Chamber Rules in respect of arrears of rent under a Short Assured Tenancy Agreement. Documents lodged with the application were a copy of the Tenancy Agreement and a rent statement as at 2 January 2019. At the time of making the application the sum sought for rent arrears was £2590. The Tribunal only became aware that written representations had been received from the Respondent approximately 1 ½ hours before the Case Management Discussion. The responses had been sent in on 25 February 2019 which was the last day for lodging written representations. A copy of the written representations was provided to the applicant’s representative on his arrival at the Case Management Discussion.

- **The Case Management Discussion**

In attendance today were Neil Mathieson on behalf of the applicant's representative and the Respondent. A brief discussion took place regarding the aims of the Case Management Discussion and the procedure that would be followed. An adjournment then took place to allow Mr Mathieson to read the terms of the Respondent's written representations and to take instructions thereon. After an adjournment of approximately half an hour Mr Mathieson confirmed that he had had discussions with the respondent regarding delaying the execution of any payment order made for a period of three months. He sought to amend the sum of the payment order to reflect the current rent arrears figure in terms of Rule 13. An up-to-date rent arrears statement was provided to the Tribunal along with letters confirming various rent increases in line with the tenancy agreement. The Respondent had no objection to the sum being amended to the sum of £3200.

- **Findings in Fact**

The Respondent is the tenant of the Property by virtue of a Short Assured Tenancy Agreement dated 14 February 2013. By virtue of this Agreement he is currently due to pay rent at the rate of £610 per calendar month. As at the date of the Case Management Discussion today arrears are in the sum of £3200. The sum of £3200 is owed by the Respondent to the Applicant.

- **Reasons for Decision**

It was established at the Case Management Discussion today that the Respondent has continued to occupy the Property and rent arrears have now accrued to the sum of £3200. The applicant's representative sought to amend the figure from the sum on the application (£2590) to £3200. The Respondent admitted that the sums were due and he had no objection to the figure being amended.

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.

A.Mathie

Legal Member/Chair

1 March 2019

Date