

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

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 33 of the Housing (Scotland)  
Act 1988**

**Chamber Ref: FTS/HPC/CV/18/1358**

**Re: Property at Flat 3, 7 Steedman Row, Craigmillar, Edinburgh, EH16 4FQ  
("the Property")**

**Parties:**

**Places for People Scotland, 1 Hay Avenue, Edinburgh, EH16 4RW ("the  
Applicant")**

**Mr Robert Sewielski, Flat 3, 7 Steedman Row, Craigmillar, Edinburgh, EH16  
4FQ ("the Respondent")**

**Tribunal Members:**

**Colin Dunipace (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the  
Tribunal") determined that the Order sought by the Applicant should be  
granted without the necessity of a formal Hearing.**

- The Applicant had raised an action for payment in terms of the Tenancy Agreement in respect of which the Respondent had undertaken to pay rent to the Applicants at the rate of £565 per calendar month, increasing to £581.95 per calendar month. The Applicants stated that the respondent had fallen into arrears or rent and that following a Trust Deed having been signed by the Respondent that the outstanding balance was in the sum of £2845.84
- The matter called before me as a Case Management Discussion on 7 September 2018. At that time the Applicants were represented by Mr McKendrick of Messrs TC Young Solicitors. The Respondent was also present at this Discussion. At that time the Applicants moved for the Order to be granted, stating that nothing had been paid toward the arrears of rent since May 2018. The Applicants made reference to the Statement of Account.



present at this Discussion. At that time the Applicants moved for the Order to be granted, stating that they had complied with the requirements of Section 33(1)(d) of the Housing (Scotland) Act 1988.

- The Respondent indicated the Discussion that he wished to remain in the property as he had nowhere else to live at the present time. The Respondent accepted that he had accrued considerable arrears of rent due to debt difficulties but that he now taken advice in this regard and had signed a Trust Deed and was hoping to clear his arrears. The Respondent made an offer in the sum of £150 in relation to his arrears.
- Having heard from the parties I considered whether matters might be capable of resolution and I noted that the Applicant's representative agreed that he would speak to his clients to ascertain whether the offer made was acceptable to them. To facilitate this I adjourned the case for 15 minutes to enable instructions to be obtained. When the Discussion resumed I noted that the Applicants were not prepared to accept this offer, pointing out that no previous offer have been made and that no payments had been made since May 2018.
- Having considered matters further I was satisfied that the Applicant's had satisfied the terms of Section 33(1)(d) of the Housing (Scotland) Act 1988, and that as no substantive matters had been raised by the Respondent, I determined that the Order should be made forthwith.

## 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.**

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Colin Dunipace

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Legal Member/Chair

7/9/18  
\_\_\_\_\_  
Date

