



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/19/0093

Re: Property at 2/R 56 Main Street, Dundee, DD3 7HN (“the Property”)

Parties:

Mrs Zeenat Ali, 31 Forfar Road, Dundee, DD4 7BE (“the Applicant”)

Mr Scymon Stec, 2/R 56 Main Street, Dundee, DD3 7HN (“the Respondent”)

Tribunal Members:

Gillian Buchanan (Legal Member)

Decision

At the Case Management Discussion (“CMD”) the Applicant was represented by Mr Stephen Forsyth of Messrs Muir, Mules, Laverty, Solicitors Dundee. The Respondent was in attendance and was supported by Mr Tomasz Miller who acted as the Respondent’s interpreter.

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that -

Background

- The parties entered into a Short Assured Tenancy Agreement on 14 July 2015.
- The initial term of the tenancy was agreed to be from 14th July 2015 to 13 January 2016. The tenancy continues.
- The agreed rent payable in terms of the tenancy is £340 per month payable on the 14th of each month.
- The Applicant seeks an order for payment of rent arrears of £4,751.00 accrued between 14th October 2017 and 13 December 2018.

The Case Management Discussion

- At the CMD the Respondent accepted the rent arrears claimed to be due.

- The Respondent accepted that he has paid no rent to the Applicant since 14 December 2018 as consequence of which the arrears have increased further.
- The Respondent explained that he fell into arrears as a result of personal problems. In particular, he separated from his partner after which he began drinking alcohol and had mental health problems.
- The Respondent lost his job as a result and did not work for some time.
- The Respondent has now started a new job and wants to get back on his feet. He works for an agency but may only work 1 or 2 days each week. He has asked the agency to give him work 7 days a week. During the period that he didn't work the Respondent incurred other debts. He has been trying to pay a little bit back to everyone. He would like to pay the debt due to the Applicant as soon as possible.
- At the CMD the Applicant sought an order for payment of £4,751.00. Given that debt was admitted to be due the Tribunal made an order for payment but encouraged the parties to speak to each other following the conclusion of the hearing.

Decision

- The sum claimed by the Applicant being admitted to be due, the Tribunal made an order for payment by the Respondent of £4,751.00.

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

4/3/19

Date