

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Tribunals (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/19/1651

Re: Property at Flat 2/2, 6 Riverside View, Balloch, G83 8NP (“the Property”)

Parties:

Mr Roger Swales, Park Lodge, Bassenthwaite, Keswick, CA12 4RD (“the Applicant”)

Mr Greg Chalmers, 4 Napier Court, Cardross, G82 5HW (“the Respondent”)

Tribunal Members:

Shirley Evans (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment be granted in the sum of ONE THOUSAND THREE HUNDRED AND NINETY POUNDS (£1390) STERLING with a Time To Pay Direction under Section 1(1) of the Debtors (Scotland) Act 1987 for the Respondent to pay the sum of TWO HUNDRED POUNDS (£200) STERLING per month to the Applicant until the full amount of the order has been paid.

The order for payment will be issued to the Applicant after expiry of 30 days mentioned below in the right of appeal section unless an application for recall, review or permission to appeal is lodged with the Tribunal by the Respondent.

Background

- 1. By application dated 29 May 2019 the Applicant’s agent applied to the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) for an order for payment of rent arrears of £1390 against the Respondent relating to a tenancy at the Property.**

2. On 29 July 2019, the Tribunal enclosed a copy of the application and invited the Respondent to make written representations to the application by 14 August 2019. The Tribunal advised parties on 29 July 2019 that a Case Management Discussion under Rule 17 of the Regulations would proceed on 6 September 2019. This paperwork was served on the Respondent by Euan McLaughlin, Sheriff Officer, Glasgow on 30 July 2019 and the certificate of execution of service was received by the Tribunal administration.
3. The Respondent made an Application for a Time to Pay Direction under the Debtors (Scotland) Act 1987 on 14 August 2019 admitting liability for the arrears and offering to pay the arrears of £1390 by way of monthly instalments of £200. The Tribunal intimated the Respondent's Time to Pay Application on the Applicant's agent on 14 August 2019. On 19 August 2019, the Applicant's agent advised the Tribunal the Applicant was willing to accept the Respondent's Application for a Time to Pay Direction.

Case Management Discussion

4. The Tribunal being satisfied that there were no matters in dispute between the parties, the Respondent having admitted the arrears and the Applicant having accepted the terms of the Respondent's Time to Pay Application, discharged the Case Management Discussion assigned for 6 September 2019.

Decision

5. The Tribunal was satisfied that it was reasonable to grant the Respondent's Time to Pay Application and accordingly granted the order for payment with a time to pay direction.

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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

Shirley Evans

~~Legal Member~~ Chair

6 September 2019

Date