



**Notes on a Case Management Discussion of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies)(Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/22/3118**

**Re: Property at 1F Allars Crescent, Top Floor Right, Hawick, TD9 9ET (“the Property”)**

**Parties:**

**Mr Gareth Routledge, 4a Imperial Works, Fountayne Road, London, N15 4QL (“the Applicant”)**

**Miss Louise Gillan, 1f Allars Crescent, Top Floor Right, Hawick, TD9 9ET (“the Respondent”)**

**Tribunal Member:**

**Gabrielle Miller (Legal Member)**

**Summary of Discussion**

1. An application was received by the Housing and Property Chamber dated 22<sup>nd</sup> August 2022. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments amounting to £1963.64.
2. On 22<sup>nd</sup> March 2022 all parties were written to with the date for the Case Management Discussion (“CMD”) of 27<sup>th</sup> April 2023 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 12<sup>th</sup> April 2023.
3. On 23<sup>rd</sup> March 2023, sheriff officers served the letter with notice of the CMD date and documentation upon Sam Cameron. This was evidenced by Certificate of Intimation dated 23<sup>rd</sup> March 2023.
4. On 27<sup>th</sup> April 2023, Ms Amy Adamson emailed the Housing and Property Chamber advising that she was a social worker working for Scottish Borders Council. She stated that the Respondent did not have capacity to deal with her

own financial affairs which has resulted in Scottish Borders Council being an Corporate Appointee for the Respondent.

5. A CMD was held 27<sup>th</sup> April 2023 at 2pm by teleconferencing. The Applicant was represented by Ms Julie Grierson, Administrator, Lowrie Property LTD. The Applicant was not present. The Respondent was represented by Ms Amy Adamson, social worker, Scottish Borders Council and Corporate Appointee. The Respondent was not present. Ms Adamson advised that she was present at the CMD in the role of Corporate Appointee for the Respondent who has mild learning disabilities. She did not have evidence of the Corporate Appointee but would be able to provide that. The Tribunal asked that be provided to the Housing and Property Chamber. Ms Adamson said that the Respondent lacks full capacity to deal with her finances. Notwithstanding that fact, the debt is admitted. Ms Adamson said that a payment arrangement was being sought to address the debt. The Tribunal discussed if she had considered a Time To Pay Direction. A discussion followed regarding a Time To Pay Direction (“TTPD”). It was explained that this would allow the Respondent to pay up the outstanding arrears at an agreed rate. The Tribunal noted that the Respondent (or the Corporate Appointee) will need to be active in applying for the TTPD. A request for the TTPD will need to be made to the Housing and Property Chamber. Once the TTPD has been completed it will need to be lodged with the Housing and Property Chamber. The Applicant and Tribunal will then be sent a copy of it. If the Applicant agrees to the amount offered then the case will be dealt with administratively and will not proceed to the CMD. If the amount offered is not accepted by the Applicant then the case will proceed to the CMD. The Tribunal noted that a TTPD allows for the outstanding amount to be paid in instalments. Should those instalments stop before the debt is repaid then the Applicant is entitled to a full order for the remaining amount. The Tribunal also noted that should the Respondent decide not to proceed with a TTPD it will be most likely that at the next CMD the Tribunal will grant the full order as the debt has been admitted. Ms Adamson was content with this and is to look at lodging a TTPD. Ms Grierson stated that she had no objection to the CMD being continued to allow for a TTPD to be lodged and considered by the Applicant. The Tribunal considered it in the interest of justice to continue to allow Ms Adamson to consider lodging a TTPD. Ms Adamson is to also lodge a copy of the Corporate Appointee status and a signed mandate (if necessary).
6. A CMD was held 1<sup>st</sup> June 2023 at 10am by teleconferencing. The Applicant was not present. The Applicant’s representative, Ms Julie Grierson was also not present. Her office was contacted by the Tribunal Clerk but the Clerk was informed Ms Grierson had to leave the office but would be back later. The Respondent was represented by Ms Amy Adamson, social worker, Scottish Borders Council and Corporate Appointee. The Respondent was not present. The Tribunal noted that there had been a TTPD lodged by email on the day prior to the CMD. This had only been able to be forwarded to the Tribunal and the Applicant on the day of the CMD. The Tribunal noted that the Applicant would not have had sufficient time to consider it. The Tribunal noted that the Respondent was a vulnerable person which is why Scottish and Borders Council had been made Corporate Appointee. Given this it was appropriate for

the Tribunal to continue the CMD on this occasion to allow the TTPD direction to be considered. The Tribunal noted that the TTPD stated that the offer was to pay the full amount of the arrears. Ms Adamson told the Tribunal that the Respondent has recently been given lump sums of money and can afford it without affecting her regular expenditure. The Tribunal asked when that payment was intended to be made. Ms Adamson said that it could be made by the end of next week. The person who deals with payments is not back in the office until Monday. The Tribunal noted that if the amount was to be paid then the application would no longer be required and the Applicant could withdraw it. The Tribunal issued its decision to continue the CMD and Ms Adamson left the call. Almost immediately after that Ms Grierson, Administrator, Lowrie Property LTD joined the call. The Tribunal explained that the decision had been made to continue the case to allow for the TTPD to be considered and for payment to be received. The Tribunal said that if the payment was made then the Applicant could withdraw the application if it was no longer required. The Tribunal will direct the Applicant to inform the Housing and Property Chamber whether the Applicant wishes to continue with the application or whether the payment for £1963.64 has been made and the application is no longer required. The Tribunal directs the Applicant to confirm their position regarding continuing with the application by close of business on 12<sup>th</sup> June 2023. The CMD was adjourned to a further CMD to allow a TTPD to be considered and lodged.

#### The Case Management Discussion

7. A CMD was held 15<sup>th</sup> September 2023 at 10am by teleconferencing. The Applicant was not present. The Applicant was represented by Ms Julie Grierson. The Respondent was represented by Ms Amy Adamson, social worker, Scottish Borders Council and Corporate Appointee. The Respondent was not present.
8. Ms Grierson told the Tribunal that there had been a payment made on 7<sup>th</sup> June 2023 for £1963.64. Ms Grierson had not appreciated that she could withdraw the case given that the debt has been cleared and there is no further amounts outstanding. The Tribunal noted that this was detailed in the last CMD note. Ms Grierson motioned to withdraw the application. The Tribunal was content to grant the withdrawal request.

#### Outcome

9. The application was withdrawn.

**NOTE: This document is not confidential and will be made available to other First-tier Tribunal for Scotland (Housing and Property Chamber) staff, as well as issued to tribunal members in relation to any future proceedings on unresolved issues.**



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**Legal Member**

**15<sup>th</sup> September 2023**

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**Date**