



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/20/0467

Re: Property at 15 Williamson Court, Arbroath, DD11 5EB (“the Property”)

Parties:

Mr Glen Culyer, c/o Wardhaugh Property, 155 High Street, Arbroath (“the Applicant”)

Ms Melissa Mearns, 15 Williamson Court, Arbroath, DD11 5EB (“the Respondent”)

Tribunal Members:

Jim Bauld (Legal Member)

Decision (in absence of the respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order should be granted for payment in the sum of ONE THOUSAND FOUR HUNDRED AND SEVENTY SEVEN POUNDS AND FORTY SEVEN PENCE (£1477.47)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that that an order should be granted for payment in the sum of ONE THOUSAND FOUR HUNDRED AND SEVENTY SEVEN POUNDS AND FORTY SEVEN PENCE (£1477.47)

Background

1. By application dated 10 February 2020, the applicant sought an order under Section 16 of the Housing (Scotland) Act 2014 (“the Act”) and in terms of rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber

(Procedure) Regulations 2017. On 25 February 2020 the application was accepted by the tribunal and referred for determination by the tribunal.

2. Case Management Discussions (CMD) took place on both 15 July 2020 and 26 August 2020. A further CMD was set to take place on 9 October 2020 and appropriate intimation of that hearing was given to both the landlord and the tenant

The Case Management Discussion

3. The Case Management Discussion (CMD) took place on 9 October 2020 via telephone case conference. The applicant was represented by his letting agent, Ms Lori Beattie, Wardhaugh Property, 155 High Street Arbroath, DD11 1DR. The Respondent did not attend and was not represented.
4. Prior to the CMD the respondent had lodged a time to pay application. That application was dated 5 September 2020 and offered to pay "£10 or £20 per week" towards the arrears. By email dated 8 October, from the respondent's solicitor, it was confirmed that the amount actually being offered was £15 per week towards an agreed arrears figure of £1477.47. The email indicated the first payment would be made on 16 October 2020,
5. The tribunal asked various questions of the applicant's representative with regard to the application.
6. The applicant's representative confirmed that she wished the order for payment sought to be granted subject to the Time to Pay direction. She accepted the payment offer being made.

Findings in Fact

7. The Applicant and the Respondent as respectively the landlord and tenant entered into a tenancy of the property which commenced on 6 March 2019.
8. The tenancy was a private residential tenancy in terms of the Act.
9. The agreed monthly rental was £375.
10. Arrears had started to accrue from December 2019. At the date of the lodging of the application arrears amounted to £1650.59.
11. The tenants had been continuously in arrears from at least December 2019 until the date of the CMD.

12. The amended sum claimed in terms of the application was £1477.47 and this sum was still owed at the date of the CMD.
13. The tribunal is satisfied, based on the evidence presented on behalf of the applicant and accepted by the respondent which is reflected in the Findings in Fact and the notes of the CMD set out above, that rent arrears of £1477.47 are outstanding and are due to be paid by the respondent
14. The basis for the order for Payment was accordingly established
15. Parties agreed that a time to pay direction should be granted allowing payment at the rate of £15 per week

Reasons for decision

16. The tribunal is satisfied, based on the evidence presented on behalf of the applicant and accepted by the respondent which is reflected in the Findings in Fact and the notes of the CMD set out above, that rent arrears of £1477.47 are outstanding and are due to be paid by the respondent. Both parties also agreed that a time to pay direction should be granted allowing payment of the arrears at the rate of £15 per week

Decision

The order for payment of arrears subject to a time to pay direction under Section 1(1) of the Debtors (Scotland) Act 1987 is granted.

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.

J Bauld

09/10/2020

Legal Member/Chair

Date