

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 Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/21/2340

Re: Property at 26 Fordell Road, Glenrothes, Fife KY7 6SA (“the Property

Parties:

Mr Rodger Thomson, 5 Munro Court, Glenrothes, Fife KY7 5GD (“the Applicant”)

Miss Bryony Leah McCormack, 26 Fordell Road, Glenrothes, Fife KY7 6SA (“the Respondent”)

Tribunal Members:

George Clark (Legal Member) and Ahsan Khan (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be granted without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £4,650. The Tribunal also made a Time to Pay Direction for payment by monthly instalments of £65.

Background and Reasons for Decision

By application, received by the Tribunal on 28 September 2021, the Applicant sought an Order for Payment of £4,650 in respect of unpaid rent that had become lawfully due by the Respondent in respect of the Property.

The application was accompanied by a copy Short Assured Tenancy between the Parties commencing on 1 February 2014 at a monthly rent of £430 and a Rent Statement showing arrears of £4,650 as at 1 September 2021. The Tenancy Agreement provided that if the Respondent did not give one month’s written notice to terminate at 1 August 2014, it would continue for a further period equal in length to the original period, unless terminated by the Applicant.

On 23 December 2021, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 13 January 2022.

On 10 January 2022, the Respondent submitted an Application for a “time to pay direction” under the Debtors (Scotland) Act 1987 in which she admitted liability for the applicant’s claim against her. She provided the Tribunal with details of her employment status and her financial position and requested a time to pay direction of instalments of £65 per week.

On 13 January 2022, the Applicant advised the Tribunal that he was content with the Respondent's proposal to pay by instalments of £65 per week. Accordingly, the Tribunal determined that the Case Management Discussion scheduled for 2 February 2022 no longer needed to go ahead and that the application should be granted without a Hearing and an Order for Payment and a Time to Pay Direction made. The Tribunal determined that the Time to Pay Direction should be for instalments of £65 per week.

Decision

The Tribunal determined that the application should be granted and made an Order for Payment by the Respondent to the Applicant of the sum of £4,650. The Tribunal also made a Time to Pay Direction for payment by monthly instalments of £65.

The Tribunal's Decision was unanimous.

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.

George Clark

Legal Member/Chair

27 January 2022
Date