



**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/19/4004**

**Re: Property at 7 Torriden Street, Coatbridge, ML5 5LA (“the Property”)**

**Parties:**

**Ecosse Estates Ltd., Office 2 Room 8, Kirkhill House, 81 Broom Road East, Newton Mearns, G77 5LL (“the Applicant”)**

**Miss Gemma Graham, Miss Caitlin Quartey, 53A Flowerhill Street, Airdrie, ML6 6BE (“the Respondent”)**

**Tribunal Members:**

**George Clark (Legal 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 One Thousand One Hundred and Fifty Pounds (£1,150). The Tribunal also issued a Time to Pay Direction requiring the Respondent to pay the sum ordered at the rate of £55 per month.**

**Background**

By application, received by the Tribunal on 18 December 2019, the Applicant sought an Order for Payment in respect of arrears of rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £1,150.

The application was accompanied by copies of a Short Assured Tenancy Agreement between the parties commencing on 13 February 2017 at a rent of £525 per month and a Rent Statement showing arrears as at 18 December 2019 of £1,150. In the application, the Applicant stated that the Respondent had vacated the Property on 12 September 2017 with the rent £1,150 in arrears.

A Case Management Discussion scheduled for 14 February 2020 was postponed on health grounds at the request of the Respondent who, on 28 January 2020, admitted liability for the claim and submitted an Application for a Time to Pay Direction under

the Debtors (Scotland) Act 1987. The Respondent offered to pay £20 per month. This was rejected by the Applicant on 28 January 2020.

On 12 February 2020, the Tribunal advised the Parties of the date, time and venue for a Case Management Discussion to be held on 23 March 2020. This was, however, postponed as a result of the COVID-19 outbreak and lockdown restrictions. It was rescheduled to 7 July 2020.

On 10 June 2020, the Respondent offered to pay the sum due at the rate of £55 per month and, on 11 June 2020, the Applicant agreed to accept payment on those terms.

### **Reasons for Decision**

The Tribunal noted that, by making an Application for Time to Pay Direction, the Respondent accepted that the sum claimed by the Applicant was due and decided to make an Order for Payment without further procedure. The Tribunal was satisfied that the Application for a Time to Pay Direction should be granted, as its terms were agreed between the Parties. Accordingly, 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 sought, namely One Thousand One Hundred and Fifty Pounds (£1,150). The Tribunal also issued a Time to Pay Direction requiring the Respondent to pay the sum ordered at the rate of £55 per month.

### **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.**

George Clark

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**Legal Member/Chair**

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**22.6.20**  
**Date**