



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/CV/20/2466

Re: Property at 5 Edmond Terrace, Croftamie, Glasgow, G63 0ER (“the Property”)

Parties:

Mr Stewart Cameron, 46 Main Street, Drymen, Glasgow (“the Applicant”)

Ms Marjorie Berdon, 5 Edmond Terrace, Croftamie, Glasgow, G63 0ER (“the Respondent”)

Tribunal Members:

Paul Doyle (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for payment by instalments of £100 per calendar month shall be varied so that the respondent is now required to pay the reduced sum of Fifty Pounds (£50.00) per calendar month until the full amount has been paid. The first payment must be made no later than 14 days after intimation of this Order.

Background

1. The Applicant sought an order for payment of rental arrears totalling £1,550.00. The Applicant had lodged with the Tribunal Form F. The documents produced were a Tenancy Agreement dated 10 April 2020, an exchange of emails and a calculation of rental arrears. A copy title sheet was lodged with the Tribunal which showed that the applicant is the heritable proprietor of the Property.

2. A Case Management Discussion took place before the Tribunal by telephone conference at 2pm on 8 February 2021. Both parties were present. Neither party

was represented. At the case management discussion, the respondent admitted that she owed the applicant the sum applied for but sought a time to pay direction. The applicant did not oppose the time to pay application.

3. After making findings in fact, the First-tier Tribunal for Scotland (Housing and Property Chamber) made a time to pay direction under Section 1(1) of the Debtors (Scotland) Act 1987, in the following terms:

The respondent is required to pay the sum of One Hundred Pounds (£100.00) per calendar month until the full amount has been paid. The first payment must be made no later than 14 days after intimation of this Order.

4. By email dated 19 July 2021 the respondent explained that her income has reduced to £931 per month, and that she can no longer maintain payments of £100 per calendar month. The respondent asks for the time to pay order to be varied so that she can pay the sums due to the applicant in instalments of £50.00 per month.

Reasons for the Decision

5. The Tribunal has already made an Order for payment of £2,650. Rent was lawfully due in terms of clause 8 of the Tenancy Agreement at the rate of £650.00 per month. Rent arrears totalling £2,650.00 are admittedly due by the respondent to the applicant. Since the payment order was made, the respondent has paid regular instalments of £100 per calendar month, which she can no longer afford.

6. By email dated 20 July 2021 the respondent's request to vary the payment order in terms of Section 3 of the Debtors (Scotland) Act 1987 was sent to the applicant for comment. The applicant was asked to respond by close of business on 27 July 2021. No response has been received.

7. On the respondent's now unopposed motion, The First-tier Tribunal for Scotland (Housing and Property Chamber) varies the time to pay direction under Section 1(1) of the Debtors (Scotland) Act 1987 on 8 February 2021 as follows:

The respondent is required to pay the sum of Fifty Pounds (£50.00) per calendar month until the full amount has been paid. The first payment must be made no later than 14 days after intimation of this Order.

Decision

For the foregoing reasons, the Tribunal determined to vary the Order for payment subject to a time to pay direction under Section 3 of the Debtors (Scotland) Act 1987

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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

Paul Doyle

Legal Member

Date 28 July 2021