



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 71(1) of the Private Housing  
(Tenancies) (Scotland) Act 2016.**

**Chamber Ref: FTS/HPC/CV/21/1742**

**Re: Property at 7 Whinhill Gate, Ferryhill, Aberdeen, AB11 7WG (“the Property”)**

**Parties:**

**City 06LLP T/A Aberdeen Letting Centre, Suite D1, 4/5 Golden Square, Aberdeen  
 (“the Applicant”)**

**Mr Lukas Kranz, Mrs Edyta Kranz, 493 Wellheads, Dyce, Aberdeen, AB21 7PG;  
493 Wellheads, Dyce, Aberdeen, Aberdeen, AB21 7PG (“the Respondent”)**

**Tribunal Members: Karen Kirk (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) :**

- 1. Grants a Payment Order against the Respondent for the sum of £2306.84.**
- 2. Makes 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 £100 per month until the full  
amount has been paid. The first payment must be made no later than 30  
days after intimation of this Order.***

**Introduction**

This Hearing concerned an Application for civil proceedings in relation to a Private Residential Tenancy under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016. The Hearing took place by teleconference due to the covid-19 pandemic.

## **1. Attendance and Representation**

The Tribunal determined matters by consent without a Hearing. The Tribunal cancelled the Hearing to allow the Tribunal to of consent issue a Payment Order and this written decision to parties.

## **2. Background/ Preliminary Matters**

This Application was dated 13<sup>th</sup> July 2021 an concerned an application for a payment order for rent arrears in the sum of £2306.84 The Applicant had lodged a full rent statement supporting the sum sought. The rent arrears accrued in regards a private residential tenancy between parties for the property dated 1<sup>st</sup> April 2019.

The Tribunal fixed a Case Management Discussion to take place in the case on 4<sup>th</sup> October 2021. The Respondents lodging a Time to Pay Application dated 20<sup>th</sup> September 2021. In support of same they provided full details of their income and circumstances and a covering letter. They set out that their financial circumstances had changed and they had two dependent children. The Respondent's offered to pay £100 per month to the arrears.

On 22<sup>nd</sup> September 2021 the Applicant's formally accepted the offer in the Time to Pay Application. The Tribunal cancelled the Hearing and issued the necessary Order and Decision.

## **3. Findings in Fact**

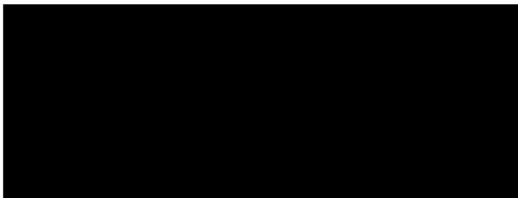
1. This Application is dated 13<sup>th</sup> July 2021 and brought in terms of Rule 111 of the First-Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.
2. The Applicant is the heritable proprietor of the property.
3. The Applicant and the Respondents entered into a Private Residential Tenancy for the property on 1<sup>st</sup> April 2019
4. This Tenancy is a Private Residential Tenancy under the Private Housing (Tenancies) (Scotland) Act 2016.
5. Rent payable under this tenancy was £650 per month.
6. As at on or around 13<sup>th</sup> July 2021 the rent due by the Respondent to the Applicant was £2306.84.
7. A Time to Pay Application was lodged and accepted by the Applicant for the amount of £100 per month.

## **4. Reasons for Decision**

The Tribunal was satisfied that the Applicant was the heritable proprietor of the Property. The Tribunal was satisfied that there was a Private Residential Tenancy between parties and that on the evidence provided it was appropriate having regard to the overriding objective of the Tribunal to make an Order for Payment. The Tribunal was also satisfied that by consent parties had agreed that the Respondents should make payment to the sum monthly at the rate of £100 per month. The Tribunal granted the Payment Order and Time to Pay direction by consent. The time to pay direction was made under Section 1(1) of the Debtors (Scotland) Act 1987 and the Respondents are required to pay the sum of £100 per month until the full amount has been paid. The first payment must be made no later than 30 days after intimation of this Order.

### **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.**



**Legal Member/Chair**

**28<sup>th</sup> October 2021**

**Date**