



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 (Act)

Chamber Ref: FTS/HPC/CV/22/1547

Re: Property at 98 Main Street, Crosshill, Fife, KY5 8AN (“the Property”)

Parties:

Mr Brian Menzies, 73 Park Street, Crosshill, Fife, KY5 8BH (“the Applicant”)

Mr Colin Murray, 98 Main Street, Crosshill, Fife, KY5 8AN (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for payment should be granted in the sum of £4,412.50.

Background

This is an application under Rule 111 and section 71(1) of the Act in respect of alleged rent arrears due by the Respondent.

The Tribunal had regard to the following documents:

1. Application received 19 May 2022;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 4 May 2018;
3. Schedule of Rent Arrears;
4. Time to Pay Order Application dated 29 July 2022 and Applicant’s response.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 18 August 2022. The Applicant participated and was accompanied by his letting agent. The Respondent did not participate but was represented by Ms Watson of Frontline Fife.

The Applicant confirmed that the amount of arrears were £4,412.50 and he sought an order or payment in that amount. The Respondent's representative confirmed that the Respondent accepted the arrears were due and wished the tribunal to deal with his Time to Pay Order Application as if it were an application for a time to pay direction.

The Applicant confirmed that he did not accept the sum offered of £75 per month as detailed in his response and that the Respondent had failed to adhere to payment plans in the past. The Respondent's representative confirmed that he had failed to adhere to payment plans.

The tribunal agreed to deal with the time to pay order application as if it were an application for a time to pay direction.

The tribunal then considered the documentary evidence it had received from the Applicants and in so far as material made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 4 May 2018;
2. The monthly rent was £575;
3. As at the date of the CMD the rent was in arrears in the sum of £4,412.50.

The tribunal was satisfied that the rent arrears had been established and accordingly granted the application for an order for payment in the sum of £4,412.50.

The tribunal refused to make a time to pay direction as it would have taken 5 years to repay the debt.

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.

A Strain

18 August 2022

Legal Member/Chair

Date

