



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/22/3673

Re: Property at 3H St Annes Wynd, Erskine, Renfrewshire, PA8 7DS (“the Property”)

Parties:

Mr William Dollard, 71 Dunsmore Road, Bishopton, Renfrewshire, PA7 5EL (“the Applicant”)

Mr Vikram Madhok, Flat 13, 6 Queensgate, Inverness, IV1 1DA (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member)

Decision (in absence of the Parties)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondent to the Applicant in the sum of £2160.00 subject to a Time to Pay Direction in terms of the Debtors (Scotland) Act 1987 by instalments of £200.00 per month.

Background

1. By application dated 22 September 2022 the Applicant’s representative, Jane Dollard, applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondent’s tenancy of the property. The Applicant’s representative submitted a copy of the tenancy agreement together with a rent statement in support of the application.

2. Following further correspondence between the Applicant's representative and the Tribunal administration, by Notice of Acceptance dated 19 December 2022 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion ("CMD") was assigned.
3. Intimation on the Respondent of the CMD assigned for 24 February 2023 was unsuccessful and the CMD was postponed and a further CMD assigned once a new address for the Respondent had been obtained by the Applicant's representative. Intimation of the postponed CMD was served on the Respondent by Sheriff Officers on 3 April 2023.
4. By a Time to Pay application under the Debtors (Scotland) Act 1987 dated 3 April 2023 submitted to the Tribunal administration, the Respondent admitted liability for the debt and offered to make payment by way of instalments of £200.00 per month.
5. By response dated 25 April 2023 and received by the Tribunal administration on 4 May 2023 the Applicant accepted the Respondents offer to clear the debt by way of instalments of £200.00 per month.
6. The offer having been accepted by the Applicant the Tribunal cancelled the CMD and granted a time to pay order in accordance with the application.

Findings in Fact

7. The parties entered into a Private Residential Tenancy that commenced on 27 January 2020 at an initial rent of £525.00 per calendar month rising to £540.00 per calendar month from 27 February 2021.
8. The Respondent accrued rent arrears by the end of the tenancy amounting to £2160.00.
9. The Respondent has admitted the debt and offered to pay by way of a Time to Pay Order at the rate of £200.00 per month.

Reasons for Decision

10. The Respondent has accepted liability for the debt and offered to pay by instalments of £200.00 per month under a Time to Pay Order in terms of the Debtors (Scotland) Act 1987. The Applicant does not oppose the order being granted and in terms of Rule 41H(4) of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 the order must be granted.

Decision

11. The Tribunal finds the Applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £2160.00 subject to a Time to Pay Order in terms of the Debtors (Scotland) Act 1987 at the rate of £200.00 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.

**Graham Harding
Legal Member/Chair**

**10 May 2023
Date**