

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision 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/21/2752

Re: Property at 9 Woodside Brae, Westhill, Inverness, IV2 5TJ (“the Property”)

Parties:

Mr Grant Smith, C/O Scottish Highland Property Services, 11 Queensgate, Inverness, IV1 1DF (“the Applicant”)

Ms Lisa Lambie, 43 Tressillian Road, Brockley, London, SE4 1YG (“the Respondent”)

Tribunal Members:

Shirley Evans (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment in the sum of FOUR THOUSAND AND NINETY SIX POUNDS AND SIXTY FOUR PENCE (£4096.64) STERLING and made a time to pay direction under Section 1(1) of the Debtors (Scotland) Act 1987. The order for payment will be issued to the Applicant after the expiry of 30 days mentioned below in the right of appeal section unless an application for recall, review or permission to appeal is lodged with the Tribunal by the Respondent.

Summary of Discussion

1. This is an application for an order for payment of rent arrears made under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”).
2. The Tribunal proceeded to a Case Management Discussion on 17 February 2022 by way of teleconference. The Applicant was represented by Mr Smith from Scottish Highland Property Services. The Respondent appeared on her own behalf.

3. There was no disagreement between the parties that monthly rent of £825 had been due under the Private Residential Tenancy Agreement between the parties which had terminated on 26 January 2022. The Respondent advised she had a repayment proposal to make but wished to confirm the level of arrears sought. After discussion between the parties in which the Respondent confirmed she was agreeable to the deposit of £825 being repaid to the Applicant, parties were in agreement that arrears stood at £4096.64 to 26 January 2022.
4. After further discussion between the parties, parties agreed that the Respondent would make an initial payment of £96.64 on 10 March 2022 to the Applicant. Thereafter parties agreed the Respondent would make monthly payments of £250 to the Applicant with the first payment due to be paid on 19 March 2022 and all subsequent payments of £250 being due on the 19th of each month until the arrears of £4096.64 were cleared.

Outcome

5. The Tribunal accordingly made an order for payment of £4096.64 with a time to pay direction on the terms agreed between the parties.

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.

Shirley Evans

Legal Member

17 February 2022

Date