



**Decision with Statement of Reasons 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/22/0106

**Re: Property at Flat 0/2, 201 Hollybrook Street, Glasgow, G42 8SS (“the
Property”)**

Parties:

Mr Mohammed Jamil, 7 Kingshill, Glasgow, G44 4JN (“the Applicant”)

**Mr Mehmood Shehraz, Flat 1/2, 378 Aikenhead Road, Glasgow, G42 0QG (“the
Respondent”)**

Tribunal Members:

Nicola Irvine (Legal Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) refused the application for a Time to Pay Direction and granted an
Order for Payment in the sum of £4,003.20.**

[1] Background

- (a) An application was submitted on 13 January 2022 under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an Order for Payment in the sum of £4,003.20 in respect of rent arrears which were said to have been incurred by the Respondent. In support of the Application, the Applicant lodged: a copy lease dated 5 October 2018 and a rent statement as at 5 November 2021;
- (b) Following acceptance of the Application, a Case Management Discussion (CMD) was fixed for 5 April 2022 and the Application was intimated on the Respondent. On 4 April 2022, the Respondent’s representative submitted an application for a time to pay direction.

[2] Case management discussion

- (a) Neither party participated in the case management discussion but they were each represented; the Applicant by Mr Ullah and the Respondent by Miss Sloey. The discussion took place by conference call.
- (b) In response to a question from the Tribunal, the Respondent's representative advised that the Respondent accepts that the sum of £4,003.20 is due to the Applicant in respect of rent arrears. She explained that the Respondent has financial difficulty and could not afford to pay any more than the sum offered in the time to pay application, which was £20 per month.
- (c) The Applicant's representative advised that the offer of instalments of £20 per month was rejected by the Applicant on the basis that it would take almost 17 years to repay the sum due.

[3] Findings in Fact

- (a) The parties entered into a private residential tenancy which started on 8 October 2018.
- (b) The rent due in terms of the agreement was £495 per calendar month, payable in advance.
- (c) The Respondent vacated the property on 29 December 2021, leaving arrears of rent of £4,003.20 due to the Applicant.

[4] Reasons for Decision

The offer of £20 per month would take almost 17 years to repay the debt admittedly due. This is an unreasonable period of time to expect the Applicant to wait for payment. The Tribunal therefore refused the application for a Time to Pay Direction and granted an Order for Payment in favour of the Applicant in the sum of £4,003.20.

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.

N Irvine

Legal Member/Chair

Date

5 April 2022