



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/19/0602

Re: Property at 13C Balfroon Road, Killearn, G63 9NN (“the Property”)

Parties:

Scotus Investments Ltd, 119 Renfrew Road, Paisley, PA3 4EA (“the Applicant”)

Ms Judith Clarke, 6 Spinner Street, Balfroon, G63 0TP (“the Respondent”)

Tribunal Members:

Colin Dunipace (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order should be made in favour of the Applicant against the Respondent in the sum of One Thousand Two Hundred and Thirty Six Pounds and Ninety Three Pence (£1,236.93) Sterling.

Background

- **This matter related to an Application on the part of the Applicant to recover outstanding arrears of rent due in respect of the Short Assured Tenancy in terms of Section 32 of the Housing (Scotland) Act 1988 entered into between the parties on 6 February 2016 in relation to the property at 13C Balfroon Road, Killearn, G63 9NN. In support of the Application were lodged a copy of the Tenancy Agreement, and details of the rental payments which had been made. At the Case Management Discussion the Applicant’s representative indicated that the current position in relation to rent was that the sum of £1,236.93 remained outstanding.**

The Case Management Discussion

- **The Application called as a Case Management Discussion in Glasgow Tribunals Centre, Room 109, 20 York Street, Glasgow, G2 8GT at 10:00 on 2 July 2019. The Applicant was not present at this Discussion but was represented by Ms Caroline Shields of Scotus Investments Ltd. The Respondent was present but not represented at this Discussion**
- **At this Discussion the Applicant's representative advised that an Order was being sought in the sum of £1236.93 in respect of the up to date rent arrears due in terms of the lease. In this connection, I noted that the Respondent did not dispute that this sum was due. The Respondent made reference to financial difficulties which she had been experiencing as a result of which she had sought to leave the lease early, but that this had not proved to be possible. I noted from the Respondent that she had moved out of the property on 5 March 2019. It was accepted that the arrears were due but that the Respondent had now entered into a Debt Payment Programme. Having considered the foregoing I determined that an Order be made in the amount as sought.**
- **It was observed the Respondent Miss Judith Clarke had submitted an Application for a Time to Pay Direction, requesting that payment be allowed at the rate of £30 per month. On behalf of the Applicant Ms Shields indicated that they were content with the proposal for time to pay, but that they were seeking the sum of £100 per month. Following further instructions being taken Ms Shields indicated that the Applicant would be prepared to accept the sum of £70 per month.**
- **Having considered the representations made by the parties I determined that the appropriate sum in respect of the Time to Pay Direction would be in the sum of £50 per month.**

Findings in Fact

- **The parties had entered into a Short Assured Tenancy in respect of the property at 13C Balfron Road, Killearn on 6 February 2016. In terms of this tenancy the Respondents were due to make payment of rent in the sum of £520 per calendar month.**
- **As at the date of the Case Management Discussion the amount due in respect of the arrears was £1236.93.**

Decision

- **Having regard to the foregoing factual position I decided to grant the Order against the Respondent as sought in the sum of £1,236.93. Having**

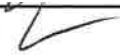
regard also to the opposed application for a Time to Pay Direction, I granted this also in the sum of £50 per month.

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.

C Dunipace

Legal Member.



Date

2/7/19