



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 70(1) of the Private Housing Tenancies (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/23/0932**

**Re: Property at Torrylinn Cottage, Kilmory, Isle of Arran, KA27 8PQ (“the Property”)**

**Parties:**

**Torrylinn Farm, Kilmory, Isle of Arran, KA27 8PQ (“the Applicant”)**

**Mr Andrew Ross-Bain, 13 Torrylinn Place, Kilmory, Isle of Arran, KA27 8PN (“the Respondent”)**

**Tribunal Members:**

**Ruth O'Hare (Legal Member)**

**Decision**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make a payment order in the sum of One thousand one hundred and twenty five pounds (£1125) Sterling with a time to pay direction ordering a first payment of £225 within twenty eight days of the date of this decision followed by payments of £150 per month until such time as the debt is paid.

**Background**

- 1 By application to the Tribunal the Applicants sought a payment order against the Respondent in respect of outstanding rent arrears. In support of the application the Applicants provided the following documentation:-
  - (i) Bank Statements with rent account; and
  - (ii) Email correspondence between the Applicants and the Respondent.
- 2 By Notice of Acceptance of Application dated 2 May 2023 the Legal Member with delegated powers of the Chamber President intimated that there were no grounds on which to reject the application. A Case Management Discussion

was assigned for the 17 October 2023. A copy of the application paperwork together with notification of the date and time of the Case Management Discussion and instructions on how to join the teleconference was intimated to the Respondent by Sheriff Officers.

- 3 On 5 October 2023 the Respondent emailed the Tribunal. He confirmed that he wished to make an offer of payment whereby he would pay £225 on 20<sup>th</sup> October 2023 and thereafter make payment at the rate of £150 per month. On 9<sup>th</sup> October 2023 the Applicant contacted the Tribunal to confirm receipt of the offer and acceptance.

### **Case Management Discussion**

- 4 The Case Management Discussion took place by teleconference on 17 October 2023. Mrs Isobel Mullholland and Mr Duncan Mullholland were present on behalf of the Applicants. Mr Alistair Meek from CHAP appeared on behalf of the Respondent. The Tribunal confirmed the payment offer submitted by the Respondent with Mr Meek and Mrs Isobel Mullholland confirmed that the offer was acceptable. Neither party had an objection to the granting of an order by the Tribunal for the sum sought with a time to pay direction in those terms.

### **Findings in Fact**

- 5 The Applicants and the Respondent entered into a verbal tenancy which commenced on or around November 2009.
- 6 The rent was agreed at the rate of £375 per month.
- 7 The Respondent failed to make payment of rent for the months of December 2022, January 2023 and February 2023.
- 8 On 29<sup>th</sup> January 2023 the Respondent emailed the Applicant giving notice to leave.
- 9 The tenancy between the parties terminated on 28<sup>th</sup> February 2023.
- 10 As at the date of termination arrears in the sum of £1125 were outstanding.

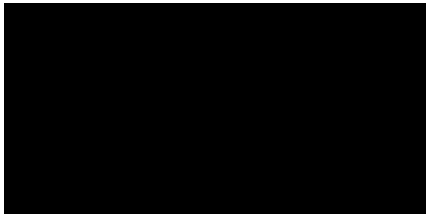
### **Reasons for Decision**

- 11 The Tribunal was satisfied at the Case Management Discussion that it had sufficient information upon which to make a decision and that to do so would not be prejudicial to the interests of the parties.

- 12 The Tribunal was satisfied based on its findings in fact that the Respondent was liable to pay arrears in the sum of £1125. He had not sought to dispute the sum sought by the Applicants and there was nothing before the Tribunal to contradict the position put forward on their behalf.
- 13 The Tribunal therefore made a payment order in the sum of £1125. On the basis that parties had agreed a repayment arrangement the Tribunal further agreed to make a time to pay direction ordering a payment of £225 within 28 days of the date of this decision and thereafter payments of £150 per month until such time as the debt is paid.
- 14 The decision of the Tribunal was unanimous.

### **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.**



**17 October 2023**

---

**Legal Member/Chair**

---

**Date**