



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/23/2661

Re: Property at 0/1 10 Netherhill Cres, Paisley, PA3 4RU (“the Property”)

Parties:

Mr Brian Allen, 6 Thralcot Link, Newtownards, BT23 9RG (“the Applicant”)

Mr Alan McDougall, 0/1 10 Netherhill Crescent, Paisley, PA3 4RU (“the Respondent”)

Tribunal Members:

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a payment order in the sum of Four Thousand Nine Hundred and Nine Pounds and sixty pence (£4909.60) be granted in favour of the Applicant and against the Respondent and the Tribunal granted a Time to Pay Direction application requiring payment of the sum at the rate of £200 per month.

Background

1.This application for a payment order in terms of Rule 111 of the Tribunal rules of procedure was first lodged with the Tribunal on 4th August 2023 and accepted by the Tribunal on 15th September 2023.A case management discussion was fixed for 8th December 2023 at 10am.

2.The Tribunal had sight of the Application, a tenancy agreement, a rent arrears statement and an email from the joint owner or the property allowing Letting Agents to deal with the matter on behalf of both owners.

3.The Applicant, one of the joint owners of the property entered into a private residential tenancy at the property with the Respondent with effect from 5th January 2021.The monthly rent payable in terms of the tenancy agreement was £425, payable in advance.

4. Rent arrears started to accrue early in the tenancy and continued to accrue due to payments less than the monthly rent being made by the Respondent. As of 5th August 2023, the rent arrears had reached £4909.60. A number of attempts were made by the Applicant's agent to communicate with the Respondent regarding the rent arrears and arrange for payment of the rent arrears but these were not successful.

5. Before the case management discussion took place the Respondent returned a Time to Pay Direction application to the Tribunal admitting the debt, setting out his income and outgoings and seeking to pay at the rate of £200 per month. The Applicant responded accepting the instalment payment offer. The Tribunal considered the Time to Pay Direction application and for the reasons set out below made a time to pay direction and granted a payment order. The Tribunal cancelled the case management discussion as there was no dispute between the parties and the debt was accepted.

Findings in Fact

6. The parties entered into a private residential tenancy at the property with effect from 5th January 2021.

7. Monthly rent due in terms of the tenancy agreement is £425 payable in advance.

8. Rent arrears started to accrue early in the tenancy and at 5th August 2023 had reached £4909.60.

9. Attempts were made by the Applicant's agent to arrange for the arrears to be paid but these were unsuccessful.

10. The Respondent admits that the sum of £4909.60 is lawfully due by him to the Applicant and seeks time to pay the debt.

Reasons for Decision

11. The Respondent accepted that the debt was due by him to the Applicant and applied for a time to pay Direction seeking to pay the sum due at rate of £200 per month. The Tribunal considered this application and the response of the Applicant accepting it. The Tribunal was satisfied that it was reasonable to grant an order given the history of the rent arrears and unsuccessful attempts to arrange for payment of these sums. The Tribunal considered that it was reasonable to grant a Time to Pay Direction having regard to the nature and reasons for the debt, the Respondent's financial position, the reasonableness of the proposal to pay the debt and the Applicant's acceptance of the proposal.

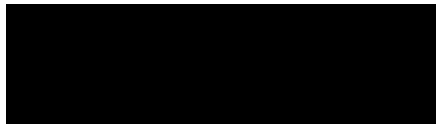
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Right of Appeal

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.



Legal Member/Chair

8.12.23
Date