



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017

Chamber Ref: FTS/HPC/CV/23/3015

Re: Property at 67 North Castle Street, Banff, AB45 1HX (“the Property”)

Parties:

Mrs Lyn A. Mackintosh, 18 West Kingswell Park, Banff, AB45 1JT (“the Applicant”)

Mr Nelson Costa, 59 Myrus Circle, Macduff, AB44 1PZ (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that that an order is granted against the Respondent for payment of the undernoted sum to the Applicant:

Sum of EIGHT HUNDRED AND SEVENTY-SEVEN POUNDS AND FIFTY-THREE PENCE (£877.53) sterling

The First-tier Tribunal for Scotland (Housing and Property Chamber) made a time to pay direction under Section 1(1) of the Debtors (Scotland) Act 1987, in the following terms:

The Respondent is required to pay the sum of ONE HUNDRED AND FIFTY POUNDS (£150) per calendar month until the full amount has been paid. The first payment must be made no later than seven days after intimation of this Order.

- **Background**

1. An application was submitted to the Tribunal under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondent in relation to rent arrears accrued under a private residential tenancy agreement.

- **The Case Management Discussion**

2. A Case Management Discussion (“CMD”) took place on 5 February 2024 by way of conference call. The Applicant was personally present. The Respondent was not present nor was he represented. However prior to the CMD, the Respondent had submitted an Application for a Time to Pay Direction offering payment of the sum due at the rate of £150 per month.
3. The Applicant confirmed that the outstanding arrears stood at £877.53 and that she was prepared to accept the proposed repayment arrangement of £150 per month, as set out by the Respondent in his Application for a Time to Pay Direction.

- **Findings in Fact**

4. The Tribunal made the following findings in fact:
 - (i) The parties had entered into a Private Residential Tenancy Agreement (“the Agreement”) in terms of which, the Respondent was obliged to pay a monthly rent of £425 to the Applicant;
 - (ii) The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £877.53.

- **Reasons for Decision**

5. The Tribunal was satisfied that the Applicant was entitled to the sum as sought, and which sum was admitted by the Respondent. The Tribunal considered the information submitted by the Respondent in his Time to Pay Application which set out his income and expenditure, and noted that the proposal was accepted by the Applicant.

- **Decision**

6. The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent for payment of the undernoted sum to the Applicant:

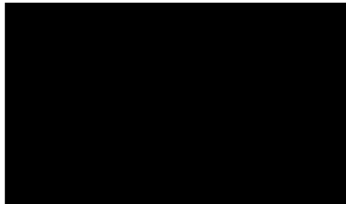
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Right of Appeal

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.



**Fiona Watson
Legal Member/Chair**

Date: 5 February 2024