



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing Tenancies (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/23/4528

Re: Property at 28 Falcon Road, Buckhaven, Fife, KY8 1EN (“the Property”)

Parties:

Mrs Marie Oates, 26 Cypress Lane, Leven, Fife, KY8 5PS (“the Applicant”)

Mr Jack Philp, Unknown, Unknown (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in the sum of £1770.10. The Tribunal made a time to pay direction allowing the Applicant to make payment by instalment in the sum of £150 per month.

Background

1. This is a Rule 111 application for a payment order in respect of rent arrears and the cost of removal of belongings left by the Respondent at the end of the tenancy. The Applicant representative lodged a copy of the tenancy agreement which commenced on 1st February 2021, and an invoice for the cost of removal of belongings.

Case Management Discussion

2. A Case Management Discussion (“CMD”) took place by telephone conference on 12th June 2024. The Applicant was not in attendance and was represented by Ms McCrostie, Martin and Martin. The Respondent was in attendance.
3. Ms McCrostie said the sum of £1208.50 was outstanding in respect of rent arrears, and the sum of £561.60 was outstanding in respect of the cost of removal of the Respondent’s belonging from the Property. The Applicant was seeking an order for payment, although agreement had been reached with the

Respondent to make payment in the sum of £150 per month towards the balance.

4. The Respondent confirmed he accepted the sum was due. Agreement had been reached two and a half months ago that payment would be made by instalment in the sum of £150 per month. The Respondent said he wished to have a time to pay direction made in that sum. Mrs McCrostie indicated the Applicant would be satisfied with that proposal.
5. Having discussed the Respondent's income and expenditure, the Tribunal agreed to grant a time to pay direction as sought. The Respondent indicated he would pay more if that became possible.

Findings in Fact

6.
 - (i) Parties entered into a private residential tenancy agreement in respect of the Property which commenced on 1st February 2021 with a monthly rent due of £650.
 - (ii) Rent lawfully due has not been paid by the Respondent to the Applicant.
 - (iii) The Applicant is entitled to recover rent lawfully due.
 - (iv) In terms of clause 27 of the tenancy agreement, the Respondent is liable for the cost of removing abandoned belongings from the Property. The Applicant has made payment for the costs involved and is entitled to reimbursement from the Respondent.
 - (v) It is reasonable to make a time to pay direction with instalments by the Respondent to the Applicant in the sum of £150 per month.

Reasons for Decision

7. Rent lawfully due is outstanding. The Applicant is entitled to recover rent lawfully due. The Applicant is entitled, in terms of the tenancy agreement, to reimbursement for the cost of removing belongings left in the Property.
8. It is reasonable, having considered the Respondent's circumstances and the matters set out in section 1(a) of the Debtors (Scotland) Act 1987 to make a time to pay direction with instalments by the Respondent to the Applicant in the sum of £150 per month.

Decision

9. The Tribunal determined that an order for payment in the sum of £1770.10 should be granted against the Respondent in favour of the Applicant. The Tribunal made a time to pay direction in respect of the Respondent whereby payments are due monthly in the sum of £150.

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.

Helen Forbes

Legal Member/Chair

12th June 2024
Date