



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/24/1172

Re: Property at 24 Whitehall Place, Top Left, Aberdeen AB25 2PA (“the Property”)

Parties:

Alan Mackay, 5 Westholme Crescent, Aberdeen AB15 6AF (“the Applicant”)

Shandra Salazar, Flat 1, 8 Whitehill Place, Aberdeen AB25 2AB (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for payment in the sum of £478.77. The Tribunal made a time to pay direction that the respondent is required to repay the sum of £40 per month until the full amount has been repaid.

1. By application dated 8 March 2024 the applicant seeks an order for payment in respect of rent arrears.
2. The applicant lodged the following documents with the application:
 - Copy tenancy agreement
 - Rent statement
3. A case management discussion (“cmd”) was assigned for 22 July 2024 by teleconference.

4. Prior to the cmd the respondent lodged a time to pay application dated 11 July 2024. The respondent accepted liability for the outstanding balance and proposed payments of £40 per month.
5. The applicant lodged a written response on dated 16 July 2024 indicating that they accepted the proposal to repay at the rate of £40 per month.

Findings in fact

6. Parties entered in a tenancy agreement with a commencement date of 21 December 2022. In terms of the tenancy agreement there was a joint tenant named Gustavo Ottati.
7. Monthly rent due in terms of the agreement was £375.
8. The lease terminated on 21 November 2023.
9. Outstanding arrears as at 21 November 2023 amounted to £478.77.

Findings in fact and law

10. The Tribunal having regard to section 1 of the Debtors (Scotland) Act 1987 and the matters set out in section 1A of that Act determined that it was reasonable in all the circumstances to make a time to pay direction requiring the respondents to repay the arrears at the rate of £40 per week.

Reasons for the decision

11. The Tribunal had regard to the application and the documents lodged by the applicant. The Tribunal also took into account the time to pay application and response to that application.
12. The Tribunal noted that parties were in agreement as to the time to pay application and in all the circumstances the Tribunal determined that it was reasonable to make a time to pay direction.

Decision

The Tribunal determined to grant an order for payment in the sum of £478.77. The Tribunal made a time to pay direction that the respondent it required to repay the sum of £40 per month until the full amount has been repaid.

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.

Mary-Claire Kelly

Legal Member/Chair

22 July 2024

Date