



**Decision 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/24/2631**

**Re: Property at 86 Gardyne Place, Dundee, DD4 7PQ (“the Property”)**

**Parties:**

**Mr Craig Muir and Mrs Janet Muir, 52 Victoria Road, Dundee, DD5 1BN (“the Applicants”)**

**Miss Dani Fisher, GF1, 6 Thorter Loan, Dundee, DD1 3DW (“the Respondent”)**

**Tribunal Members:**

**Shirley Evans (Legal Member)**

### **Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment against the Respondents in favour of the Applicants in the sum of FOUR THOUSAND THREE HUNDRED AND FIFTY POUNDS (£4350) STERLING and made a time to pay direction under Section 1(1) of the Debtors (Scotland) Act 1987. The order for payment will be issued to the Applicants after the expiry of 30 days mentioned below in the right of appeal section unless an application for recall, review or permission to appeal is lodged with the Tribunal by the Respondent.**

### **Background**

- 1. This is an action for rent arrears of £4350 raised in terms of Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”).**
- 2. The application was accompanied by a Private Residential Tenancy Agreement between the parties dated 6 February 2022 and a rent statement.**

3. On 24 July 2024 the Tribunal accepted the application under Rule 9 of the Regulations.
4. On 28 October 2024 the Tribunal enclosed a copy of the application and invited the Respondents to make written representations to the application by 18 November 2024. The Tribunal advised parties that a Case Management Discussion under Rule 17 of the Regulations would proceed on 6 December 2024.
5. On 30 October 2024 the Respondent lodged an Application for a Time to Pay Direction in terms of which she offered to pay the arrears by way of monthly instalments of £300. This Application was sent to the Applicants' letting agents Front Row Lettings.
6. On 6 November 2024 Front Row Lettings lodged a Response to the Time to Pay Application advising that the Applicants accepted the Respondent's offer to pay by instalments of £300 per month.
7. In terms of Rule 18 of the Regulations the Tribunal has the power to make a decision without a hearing if it considers that having regard to such facts are not disputed by the parties it can make sufficient findings to determine the case and to do so would not be contrary to the interests of the parties.
8. The Tribunal noted the terms of the tenancy agreement and the rent statement lodged which set out how the arrears had arisen. The Applicants' letting agent had produced evidence of non-payment of rent. The Respondent accepted the arrears and had made an offer to pay the arrears at the rate of £300 per month which was acceptable to the Applicants. The Tribunal was satisfied on the basis of the documents lodged, together with parties' submissions that an order for payment in favour of the Applicants be granted. The Tribunal considered the facts were not in dispute and that parties were in agreement and accordingly the Tribunal was prepared to make the order without a hearing.

### **Decision**

9. The Tribunal discharged the Case Management Discussion assigned for 6 December 2024.
10. The Tribunal thereafter granted an order for payment of £4350 with a Time to Pay Direction for payment of £300 per month.

### **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.

# Shirley Evans

25 November 2024

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Legal Member

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Date