



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 and Section 1(1) of the Debtors (Scotland) Act 1987

Chamber Ref: FTS/HPC/CV/24/1356

Re: Property at First Floor Flat 3, 14 Townhead, Kirkintilloch, G66 1NL (“the Property”)

Parties:

Mr Gregor Jackson, 26 Hawthorn Ave, Lenzie, G66 4RA (“the Applicant”)

Mr Henry Britton, 2/1, 125 Abbotsford Place, Glasgow, G5 9SS (“the Respondent”)

Tribunal Members:

Ruth O’Hare (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment be made in the sum of One thousand two hundred and twelve pounds and eighty five pence (£1212.85) and made a time to pay direction under section 1(1) of the Debtors (Scotland) Act 1987 requiring the Respondent to make payments at the rate of £40 per month.

Background

- 1 By application to the Tribunal the Applicant sought an order for payment against the Respondent under Rule 111 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”) in respect of unpaid rent in the sum of £1212.85. In support of the application the Applicant provided the tenancy agreement between the parties, rent statement and copy correspondence between the parties.
- 2 By Notice of Acceptance of Application a Legal Member of the Tribunal with delegated powers of the Chamber President intimated that there were no grounds to reject the application. The application was therefore referred to a

Case Management Discussion (“CMD”) to take place by teleconference on 26 November 2024. The Respondent was given notification of the CMD by Sheriff Officers together with a copy of the application paperwork.

- 3 On 11 November 2024 the Tribunal received a time to pay application from the Respondent admitting liability for the debt and offering payments of £40 per month. A copy of the application was intimated to the Applicant on 15 November 2024.
- 4 On 25 November 2024 the Tribunal received an email from the Applicant confirming that he was content to accept the time to pay direction at the proposed rate.

The Case Management Discussion

- 5 The CMD took place on 26 November 2024 by teleconference. The Applicant was not present. The Respondent was in attendance.
- 6 The Tribunal was advised shortly prior to the CMD that the Applicant had submitted the aforementioned response accepting the time to pay direction. The Tribunal therefore advised the Respondent of this, and the implications in terms of the order for payment.

Findings in Fact

- 7 The Applicant and Respondent entered into a tenancy agreement dated 4 April 2023.
- 8 The rent due under Clause 8 of the tenancy agreement was £495 per calendar month.
- 9 The tenancy between the parties terminated on 17 January 2024.
- 10 As at the date of termination arrears of rent in the sum of £1212.85 were outstanding.

Reasons for Decision

- 11 The Tribunal was satisfied that it had sufficient information to reach a decision following the Case Management Discussion and that it would not be prejudicial to the parties to do so. The Tribunal took into account the fact that the Respondent had accepted liability for the debt and the Applicant had no objection to the time to pay application.
- 12 The Tribunal therefore made an order for payment in the sum of £1212.85 against the Respondent in favour of the Applicant with a time to pay direction requiring the Respondent to make payments at the rate of £40 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.

Ruth O'Hare

26 November 2024

Legal Member/Chair

Date