



**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/24/0599**

**Re: Property at 30 Miller Road, Inverness, IV2 3EN (“the Property”)**

**Parties:**

**CLC Highland Ltd, Windygoul, Mossfield, Invergordon, IV18 0LG (“the Applicant”)**

**Mr Liam Robertson, 30 Miller Road, Inverness, IV2 3EN (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that Applicant is entitled to an order of payment from the Respondent for £1680 (ONE THOUSAND SIX HUNDRED AND EIGHTY POUNDS).**

**Background**

1. An application was received by the Housing and Property Chamber dated 7<sup>th</sup> February 2024. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments.
2. On 5<sup>th</sup> June 2024 all parties were written to with the date for the Case Management Discussion (“CMD”) of 9<sup>th</sup> July 2024 by teleconferencing. The letter also requested all written representations be submitted by 26<sup>th</sup> June 2024. This CMD was then cancelled to allow Service by Advertisement to be undertaken.
3. A new CMD date was set for 25<sup>th</sup> September 2024 at 10am by teleconferencing.

## The Case Management Discussion

4. A CMD was held 25<sup>th</sup> September 2024 at 10am by teleconferencing. The Applicant was present and represented himself. The Respondent was present and represented himself.
5. The Applicant said that there is another order outstanding by the Respondent to him. The Respondent is paying £300 per month to the outstanding debt. A Time To Pay Direction ("TTPD") has been awarded for that amount. The debt has gone from £4160 to £1460. This means that the debt should be able to be paid by the end of January 2025. The Applicant now wishes to extend this payment order to cover this debt. This debt is for rent owed up until the end of the tenancy, which was 31<sup>st</sup> March 2024. The outstanding amount due is £1680.
6. The Respondent said that he admitted that the debt claimed was due. He was content to continue the payment order by TTPD to pay £300 per month. He can afford this. He has been paying each and every month. The payment is at the end of each month. It was explained by the Tribunal that a new TTPD could be applied for and that this would allow the Respondent to pay up the outstanding arrears. The Applicant agreed to this in principal. The Tribunal noted that the Respondent will need to be active in applying for the TTPD. He will need to contact the Housing and Property Chamber to request that a TTPD be sent to him. If he is looking to seek money advice to help him complete the TTPD or assist him with his finances then this appointment will need to be made and attended in advance of the next CMD so that the Applicant can consider the contents of the TTPD. Once the TTPD has been completed it will need to be lodged with the Housing and Property Chamber. The Applicant and Tribunal will then be sent a copy of it. If the Applicant agrees to the amount offered then the case will be dealt with administratively and will not proceed to the CMD. If the amount offered is not accepted by the Applicant then the case will proceed to the CMD. The Tribunal noted that a TTPD allows for the outstanding amount to be paid in instalments. Should those instalments stop before the debt is repaid then the Applicant is entitled to a full order for the remaining amount. The Tribunal also noted that should the Respondent decide not to proceed with a TTPD it will be most likely that at the next CMD the Tribunal will grant the full order as the debt has been admitted. The Respondent understood these points. He was willing to look at lodging a further TTPD and will get money advice if he finds it necessary. The Applicant said that he would be looking for the TTPD to start from the end of February 2025. The Respondent was content with this date. The case was adjourned to a further CMD to allow for a further TTPD to be lodged by the Respondent and considered by the Applicant.
7. On 22<sup>nd</sup> November 2024 all parties were written to with the date for the Case Management Discussion ("CMD") of 13<sup>th</sup> January 2025 at 10am by teleconferencing. This was sent to both parties by email.
8. On 8<sup>th</sup> January 2025 the Applicant emailed the Housing and Property Chamber advising that regarding the first payment order had £865 outstanding and this matter had still an outstanding amount of £1680.

## The continued CMD

9. A CMD was held 13<sup>th</sup> January 2025 at 10am by teleconferencing. The Applicant was present and represented himself. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondents did not make representations in advance of the continued CMD.
10. The Applicant said that payment have stopped being made on the first payment order. The last payment was made on 23<sup>rd</sup> August 2024. The amount outstanding was reduced by the return of the full deposit of £595 on 27<sup>th</sup> December 2024. The Applicant has not proceeded to enforce full payment of that order yet. The Tribunal noted that it was only focused, in relation to this application, regarding the outstanding application which has not yet been determined. The Tribunal noted that there has been no TTPD lodged. The Applicant said that he had contacted the Respondent last week. He advised that this case was calling again today and wished to discuss payments. He has not heard from the Respondent and there have been no offers of payment. The outstanding about remains at £1680.
11. As there was no TTPD issued and no further representations from the Respondent the Tribunal was satisfied that the outstanding amount for £1680 was due to the Applicant by the Respondent and that it was appropriate to grant an order accordingly. The Tribunal noted that the Respondent had been informed at the pervious CMD that the amount due had increased to £1680. He admitted that his amount was due. The Tribunal was content that the amount had been amended to £1680.

## Findings and reason for decision

12. A Private Rented Tenancy Agreement commenced 6<sup>th</sup> October 2022. The Respondent left the Property at the end of March 2024.
13. The Respondent persistently failed to pay his rent charge of £560 per month. The rent payments were due to be paid on eight day of each month.
14. The Respondent has admitted the debt. He has not taken any steps to make a payment arrangement or complete a TTPD.
15. The arrears sought total £1680.

## Decision

16. The Tribunal found that the Applicant was entitled to be granted an order for payment from the Respondent amounting to £1680.

## **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.

Gabrielle Miller

13<sup>th</sup> January 2025

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Legal Member/Chair

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Date