



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/24/3072

Re: Property at 64 Warddykes Avenue, Arbroath, Angus, DD11 4AW (“the Property”)

Parties:

Mrs Elizabeth Margaret Rintoul Lang, Applebank, West Seaton, Arbroath, DD11 5SB (“the Applicant”)

Ms Ewelina Spurek, 64 Warddykes Avenue, Arbroath, Angus, DD11 4AW (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member) and Gerard Darroch (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment in the sum of One thousand eight hundred and ten pounds (£1810) Sterling with a time to pay direction ordering the Respondent to make payment at the rate of £250 per week from the date of this decision until payment.

Background

- 1 By application to the Tribunal dated 3 July 2024 the Applicant sought an order for payment against the Respondent in respect of unpaid rent. In support of the application the Applicant provided a copy of the tenancy agreement between the parties and a rent statement.
- 2 By Notice of Acceptance of Application dated 30 July 2024 a Legal Member with delegated powers from the Chamber President intimated that there were no grounds upon which to reject the application. The application was therefore referred to a Case Management Discussion (“CMD”) on 19 December 2024. Notification of the CMD was given to the parties in accordance with Rule 17(2) of

the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”). Said notification was served upon the Respondent by Sheriff Officers on 12 November 2024.

- 3 Both parties were invited to make written representations. On 3 December 2024 the Tribunal received a time to pay application from the Respondent offering payments of £250 per week. The Tribunal subsequently received an email from the Applicant’s representative, Gillespie McAndrew Solicitors, confirming their agreement with the offer.

Case Management Discussion

- 4 The CMD took place by teleconference on 19 December 2024. Mr Miles McKay of Gillespie McAndrew Solicitors represented the Applicant. The Respondent was present.
- 5 The Tribunal explained the purpose of the CMD. It noted that a time to pay application had been submitted. Mr McKay confirmed that the Applicant was content to accept a time to pay direction at the rate offered of £250 per week, noting that this would amount to payments towards both the rent and the arrears. The Respondent confirmed this.

Findings in Fact

- 6 The Applicant and Respondent entered into a tenancy agreement which commenced on 22 November 2019.
- 7 In terms of Clause 8 of the said tenancy agreement the Respondent undertook to make payment of rent at the rate of £560 per month.
- 8 As at the date of the CMD arrears in the sum of £1810 were outstanding.

Reasons for Decision

- 9 Based on the application paperwork the Tribunal was satisfied that the Respondent had a contractual obligation to pay rent at the rate of £560 per month and that arrears of £1810 were outstanding as at the date of the CMD. The Tribunal therefore make an order for payment in that sum together with a time to pay direction requiring payments of £250 per week from the date of this decision until payment.

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

19 December 2024

Legal Member/Chair

Date