



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies)(Scotland) Act 2016

Reference number: FTS/HPC/CV/24/1836

Order granted on 5 February 2025

Re: Property at 17 Davidson Drive, Inverurie, AB51 4ZS (“the Property”)

Parties:

Northwood (Aberdeen) Ltd, a company incorporated under the Companies Acts and having their registered office at 63-65 Heworth Road, Heworth, York, England, YO31 0AA (“the Applicant”)

Lorriane Gifford and Thomas Max Gifford, residing together at Galla Croft, Tullynessel, Alford, Aberdeenshire, AB33 8QP (“the Respondent”)

Tribunal Member:

Paul Doyle (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be made.

Background

The Applicant sought an order for payment of rental arrears totalling £2,390.83. The Applicant had lodged with the Tribunal Form F. The documents produced include a Tenancy Agreement, and a schedule of unpaid rental, and receipts for repairs necessary when the tenancy ended. A copy land certificate was lodged with the Tribunal.

Case Management Discussion

A case management discussion was scheduled to take place by telephone conference at 10am on 06/02/2025. On 18/11/2024 the respondents tendered an application for a time to pay order. On 02/12/2024 the Applicant consented to a time to pay order.

Findings in Fact

1. The Tribunal made the following findings in fact:

(i) The Applicant and the Respondent's son entered into a Private Residential Tenancy Agreement for the Property on 25/01/2023.

(ii) The rent in terms of the Tenancy Agreement was £850 per month. The Respondents guaranteed their sons financial obligations under the lease.

(iii) When the lease ended, the Respondents' son had amassed rent arrears of £2,827.98. The Applicant had to instruct a locksmith to replace locks. They had to instruct a deep clean of the property, and redecoration of the property was necessary.

(iv) The total sum due by the respondents' son to the applicant was £4,090.83. The tenancy deposit was applied to the sum due by the respondents' son, leaving an outstanding balance of £2,390.83.

(v) The respondents accept responsibility for the sums due to the applicant.

2. The Respondents accept that they owe the applicant £2,390.83. Neither respondent offers any resistance to the application for a payment order, but they have made an application for time to pay. They offers payment by instalments of £100.00 per month.

3. On 02/12/2024 the Applicant accepted the Respondents offer to pay the sum due by instalments of £100.00 per month.

4. For the foregoing reasons, the Tribunal determined to make an Order for payment subject to time to pay directions. The Tribunal makes an order for payment of £2,390.83 to be paid by instalments of £100.00 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.

Paul Doyle

5 February 2025

Legal Member