



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/24/2773

Re: Property at 12 Ballantrae Terrace, Dundee, DD4 8PR (“the Property”)

Parties:

Ms Amanda Gillogly, 16 Balmossie Bank, Broughty Ferry, Dundee, DD5 3GB (“the Applicant”)

Ms Lisa Stanyard, 12 Ballantrae Terrace, Dundee, DD4 8PR (“the Respondent”)

Tribunal Members: Ruth O’Hare (Legal Member) and Ahsan Khan (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 four hundred and seventy one pounds (£1,471) Sterling with a time to pay direction for payments of £80 per month.

Background

- 1 By application to the Tribunal dated 17 June 2024 the Applicant sought a payment order against the Respondent in respect of unpaid rent in the sum of £1571 under Rule 111 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”). 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 10 July 2024 a Legal Member with delegated powers of the Chamber President intimated that there were no grounds on which to reject the application. The application was therefore referred to a Case Management Discussion on 6 November 2024 to take place by teleconference. A copy of the application paperwork together with notification of the date and time of the Case Management Discussion and instructions on how to join the teleconference was intimated to the Respondent by Sheriff Officers in

accordance with Rule 17(2) of the Rules. Both parties were invited to make written representations in advance of the Case Management Discussion.

- 3 On 22 October 2024 the Tribunal received an email from Mr Kenneth Marshall of Dundee Law Centre. Mr Marshall confirmed that he had been instructed to represent the Respondent and provided written submissions on her behalf.
- 4 On 23 October 2024 the Tribunal received a time to pay application from the Respondent admitting liability for the unpaid rent and requesting a time to pay direction in the sum of £40 per month.
- 5 On 1 November 2024 the Tribunal received written representations from the Applicant's representative, Mr Jay Lawson of MML Law, confirming that the Applicant opposed the time to pay application and providing additional written submissions in response to the correspondence from Mr Marshall.

Case Management Discussion ("CMD")

- 6 The CMD took place on 6 November 2024 by teleconference. Mr Lawson represented the Applicant. Mr Marshall represented the Respondent. Neither party was personally present.
- 7 Having heard submissions from both Mr Lawson and Mr Marshall the Tribunal determined to adjourn the CMD. Mr Marshall had indicated during the course of the CMD that the Respondent could increase her offer from £40 per month to £80 per month. Mr Lawson did not have instructions on the increased offer. The Tribunal also noted that the Respondent had recently commenced employment, and the impact of this on her income was not yet known. Accordingly, the Tribunal adjourned the CMD to provide Mr Lawson the opportunity to take instructions on the increased offer of £80 per month, and for the Respondent to revise the time to pay application to reflect any changes in her income and expenditure.
- 8 On 31 January 2025 the Tribunal received an email from Mr Lawson on behalf of the Applicant. Mr Lawson stated that parties had reached agreement and were seeking an order for payment in the sum of £1471 with a time to pay direction for payments of £80 per month. On that same day the Tribunal received an email from Mr Marshall on behalf of the Respondent confirming that she was in agreement with the terms of settlement.

Findings in Fact

- 9 The Applicant and the Respondent entered into a tenancy agreement dated 1 May 2019.
- 10 In terms of Clause 7 of the said tenancy agreement the Respondent undertook to pay rent of £540 per month.

11 As at the date of this decision rent arrears in the sum of £1471 are outstanding.

Reasons for decision

12 The Tribunal was satisfied that it had sufficient information upon which to make a decision on the application. Based on the application paperwork and written representations from the parties the Tribunal accepted that the Respondent was due to pay the sum of £1471 under the terms of the tenancy agreement between the parties. There were no matters in dispute and on that basis the Tribunal determined it could make a decision under Rule 18 of the Rules without a hearing.

13 The Tribunal therefore made an order for payment in the sum of £1471 with a time to pay direction for payments of £80 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.

R O'Hare

17 February 2025

Legal Member/Chair

Date