



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
Act 2014 for Civil Proceedings in relation to an assured tenancy.**

Chamber Ref: FTS/HPC/CV/20/0062

Re: Property at Flat 3/2, 29 Marwick Street, Glasgow, G31 3NE (“the Property”)

Parties:

**Miss Gail Ross as Guardian for Mr Norman Ross, C/O 104 Bellgrove Street,
Glasgow, G31 1AA (“the Applicant”)**

**Mr Peter Murray, Flat 3/2, 29 Marwick Street, Glasgow, G31 3NE (“the
Respondent”)**

Tribunal Members:

Karen Kirk (Legal Member)

This Hearing was a Case Management Discussion fixed in terms of Rule 70 of the Procedure Rules and concerned an Application for civil proceedings in relation to an assured tenancy under the Housing (Scotland) Act 1988. The purpose of the Hearing being to explore how the parties dispute may be efficiently resolved. The purpose of the hearing was explained to parties. Parties understood a final decision on the Application could also be made.

Attendance and Representation

The Applicant was represented by Lesley McLaughlin, 1-2-Let, Lettings agent, 104 Bellgrove Street, Glasgow, G31 3NE

The Respondent attended personally.

Karen Kirk

Matters Raised

The Applicant's representative provided a copy Certificate of Appointment issued by the Office of the Public Guardian (Scotland) dated 4th November 2019 appointing Gail Ross as Guardian to Norman Ross. A copy of this authority was also provided to the Respondent.

The Applicant's representative also provided a copy rent statement to both the Tribunal and the Respondent. The Tribunal asked the Applicant's representative to confirm the rent due to the date of the hearing as future rent could not be considered. She confirmed that the arrears to date owed by the Respondent was £2293.

It was confirmed to the Respondent that the written representations lodged by the Respondent's representative had been considered. The Respondent confirmed other than a Time to Pay application he did not dispute matters and accepted liability for the rent arrears sought. He indicated he and his daughter would be leaving the property in 2 weeks time.

The Applicant's representative confirmed that a payment order for non payment to the amount of £2293 was sought. The Respondent lodged a completed Time to Pay Application at the Hearing. He offered to pay £150 per month on the basis the arrears had accrued whilst he was caring for his daughter who has significant mental ill health. He had now secured alternative housing for her and he was employed on a part time basis and willing to make monthly payments to the sum of £2293 due. The Applicant's representative subject to the Tribunals view on the reasonableness of same were in agreement to the monthly amount but sought an Order.

There were no other matters arising.

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") granted an order against the Respondent for payment of the sum of £2293 to the Applicant under section 16 of the Housing (Scotland) Act 2014.

The First-tier Tribunal for Scotland (Housing and Property Chamber) also made a time to pay direction under Section 1(1) of the Debtors (Scotland) Act 1987, in the following terms:

The respondent is required to pay the sum of £150 per month until the full amount has been paid. The first payment must be made no later than 1 month after intimation of the Order to the Respondent.

Reasons for Decision

1. The Tribunal was satisfied that the Applicant was the heritable proprietor of the Property.
2. The Tribunal was satisfied that the relevant tenancy was in terms of Section 32(1) of the 1988 Act, a short assured properly constituted and dated 6th November 2017.
3. In terms of the 1988 Act the Tribunal considered that the Short Assured Tenancy had ended and that the relevant notices had been served. As at 5th March 2020 the Tribunal was satisfied there was outstanding rent due to the Applicant by the Respondent of the sum of £2293. The Respondent accepted same.
4. Accordingly in terms of Section 16 of the 2014 Act the Tribunal granted a payment order against the Respondent for the sum of £2293.
5. The Respondent lodged a completed written application for a Time to Pay Direction under the Debtors (Scotland) Act 1987 to pay the sum of £150 monthly until the sum is paid. Having regard to the reasons for the debt, the circumstances of the Respondent, his financial position currently and the reasonableness of the proposal the Tribunal was satisfied it was reasonable to make the time to pay direction in all of the circumstances.

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.

Karen Kirk

Legal Member/Chair

5/3/2020.

Date