

Housing and Property Chamber
First-tier Tribunal for Scotland



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 (Act)

Chamber Ref: FTS/HPC/CV/19/0608

Re: Property at 15B Forsyth Street, Airdrie, ML6 6AX (“the Property”)

Parties:

Mrs Joanne Black or Marshall, C/O Nolans Law Limited, 39 Donaldson Street, Glasgow, G66 1XE (“the Applicant”)

Mr Greg McCartney, 6 Woodlands Drive, Holytown, Motherwell, ML1 4XU (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent be ordered to pay the sum of £1,760.00 to the Applicant.

Background

This is an application for payment in respect of an assured tenancy under section 16 of the Act and Rule 70 of the Tribunal Procedure Rules.

The Tribunal had regard to the following documents:

1. Application dated 19 February 2019;
2. Tenancy Agreement dated 23 August 2017;
3. Schedule of rent arrears.

Case Management Discussion (CMD)

The case called for a CMD on 28 June 2019. It had been continued from a previous CMD on 31 May 2019 to enable the Respondent to make a Time to Pay Application.

Mr Alan Strain

The Respondent represented himself. The Applicant was not present but was represented by her solicitor.

The Respondent informed the Tribunal that he had submitted the Time to Pay application by post on 26 June 2019. After enquiry the Tribunal established that not application had been received.

The Tribunal reminded the Respondent that he had been told at the CMD this was his last opportunity to lodge an application and he should do so before the CMD on 26 June 2019.

The amount of the arrears was not disputed and the Respondent accepted he was due to pay £1,760 but simply wasn't in a financial position to do so. He was on Universal Credit.

In the circumstances the Tribunal ordered payment of the sum admitted due.

Decision

The Tribunal ordered the Respondent to pay the Applicant the sum of £1,760.

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.

Mr Alan Strain

Legal Member/Chair

28 JUNE 2019
Date