



**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**

Chamber Ref: FTS/HPC/CV/19/1217

**Re: Property at 91 Loch Trool Way, Whitburn, West Lothian, EH47 0RL (“the
Property”)**

Parties:

**Mr David Gisbey, Mrs Helen Gisbey, c/o Mavor and Company, 16 Union
Square, West Calder, EH55 8EY (“the Applicant”)**

**Mr Michael Lambe, Ms Angela Glasgow, 91 Loch Trool Way, Whitburn, West
Lothian, EH47 0RL (“the Respondents”)**

Tribunal Members:

George Clark (Legal Member)

Decision (in the absence of the Respondents)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the application should be granted without a hearing
and made an Order for Payment by the Respondents to the Applicant of the
sum of £3,100. The Tribunal refused the Application for a Time to Pay
Direction.**

Background

By application, received by the Tribunal on 18 April 2019, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondents to the Applicant.

The application was accompanied by a rental statement showing arrears as at 19 October 2018 of £1,950. The application was also accompanied by a copy of a Private Residential Tenancy Agreement between the Parties, commencing on 29 June 2018 at a rent of £575 per month.

On 20 May 2019, the Tribunal advised the parties of the date, time and venue for a Case Management Discussion and the Respondents were invited to make written representations by 7 June 2019.

The Respondents made no written representations to the Tribunal but on 5 June 2019, the Tribunal received from the Respondents an Application for a Time to Pay Direction, offering to pay off the arrears at the rate of £150 per month.

The Applicant's representatives, Mavor & Co, 16 Union Square, West Calder, e-mailed the Tribunal on 7 June 2019, to advise that the Applicant was not prepared to accept a Time to Pay Direction application, as the arrears as at 7 June 2019 now stood at £3,100. They produced an updated rental statement, confirming the amount of the arrears as at 29 May 2019. The Respondents had previously agreed a payment plan of £150 per month and had made three additional payments, but had made no further contribution to the arrears or even paid any rent since 29 January 2019. The Applicant also commented that the financial information produced by the Respondents appeared to indicate that they could afford to pay considerably more than the £150 per month that they had offered to pay.

Case Management Discussion

A Case Management Discussion was held at George House, 126 George Street, Edinburgh on the afternoon of 24 June 2019. The Applicant was represented by Mr Callum McQueenie and Miss Alanna Lees of Mavor & Co, Property Managers. The Respondents were not present or represented.

The Applicant's representatives told the Tribunal that no further payments had been received since the date of the application and the arrears now stood at £3,100. They asked the Tribunal to grant the application without a hearing and to make an Order for Payment of the sum of £3,100.

Reasons for Decision

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations provides that the Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision. The tribunal was satisfied that it had before it all the information and documentation it required and that it would decide the application without a hearing.

The Tribunal was satisfied that the sum sought represented arrears of rent that had become lawfully due by the Respondents to the Applicant.

The Tribunal noted the comments made by the Applicant's representatives regarding the Application for a Time to pay Direction and, in particular the fact that the Respondents had failed to honour a previous arrangement to pay off the arrears at £150 per month. The Tribunal decided to refuse the Application for a Time to Pay Direction.

Decision

The Tribunal determined that the application should be granted without a hearing and made an Order for Payment by the Respondents to the Applicant of the sum of £3,100. The Tribunal refused the Application for a Time to Pay Direction.

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.

G Clark

Legal Member/Chair

24 June 2019
Date