

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”)

Chamber Ref: FTS/HPC/CV/19/1295

Re: Property at 18 Victoria Street, Craigshill, Livingston, EH54 5BG (“the Property”)

Parties:

Laura Halil residing at 35 Stoneybank road, Musselburgh, EH21 6JH (“the Applicant”)

Malick Sey residing at 18 Victoria Street, Craigshill, Livingston, EH54 5BG (“the Respondent”)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that that an Order for Payment in the sum of ONE THOUSAND FIVE HUNDRED POUNDS STERLING (£1,500.00) be granted.

Tribunal Member:

Karen Moore (Legal Member)

Background

1. By application received on 29 April 2019 (“the Application”), the Applicant made an application to the Tribunal for a payment order for £2,000.00 in terms of Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). A copy of the tenancy agreement between the parties and a note of rent due and owing were lodged as part of the Application.
2. On 14 May 2019, a legal member of the Tribunal with delegated powers of the Chamber President accepted the Application and a Case Management Discussion (“CMD”) was fixed for 28 June 2019 at 10.00 at the George House, 126, George Street, Edinburgh, EH2 4HH.
3. The CMD took place on 28 June 2019 at 10.00 at the said George House. The Applicant and the Respondent were both present. The Respondent accepted that rent amounting to £1,500.00, was due and owing by him to the Applicant. He requested time to pay and was provided with the relevant application form

and was directed to complete and submit his application within 7 days of the date of the CDM.

4. The Respondent submitted the "Time to Pay" application late. The Respondent's application was copied to the Applicant for her views. The Applicant noted that the Respondent did not indicate when he would begin payments and appeared to have reservations about the Respondent complying with a Time to Pay order.

Decision and Reasons for Decision

5. Having found at the CMD that rent amounting to £1,500.00 is due and owing by the Respondent to the Applicant, having noted that the Respondent failed to return the Time to Pay application timeously and having regard to the Applicant's comments, I determined to reject the Respondent's application and granted an Order for payment in full.

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 Moore

Legal Member/Chair

5 August 2019

Date