

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/19/1295

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

Parties:

Miss Laura Halil, 35 Stoneybank Road, Musselburgh, EH21 6HJ (“the Applicant”)

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

Tribunal Member:

Karen Moore (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order for Payment in the sum of ONE THOUSAND FIVE HUNDRED (£1,500.00) POUNDS Sterling, allowed the Respondent to make a Time to Pay Application and directed the Respondent in terms of Rule 16 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 to lodge the said Time to Pay Application no later than noon on Friday, 5 July 2019

Background

1. By application received on 29 April 2019 (“the Application”), the Applicant made an application in terms of Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) for a payment order for rent due and owing by the Respondent.
2. The Application comprised a copy of a private residential tenancy agreement between the Parties in terms of the Private Housing (Tenancies) (Scotland) Act 2016 evidencing a tenancy of the between the Parties and a statement of rent due and owing showing a debit balance of £1,575.00 at 29 April 2019.
3. On 9 April 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 George House, 126 George Street, Edinburgh EH2 4HH. The CMD was intimated to the Parties.

4. Case Management Discussion

5. The Applicant advised me that, although some payments had been made by the Respondent, the rent is due and owing for the months April, May and June, all 2019, to the extent of £1,500.00.
6. The Respondent agreed with the Applicant's position and asked that he be allowed to make payment by instalments, to which the Applicant agreed.

Findings in Fact

7. From the Application and the CMD, I found that rent is due and owing for the months April, May and June, all 2019, by the Respondent to the Applicant to the extent of £1,500.00.

Decision and Reasons for Decision

8. Having found that rent and interest amounting to £1,500.00, I had regard to Rule 17(4) of the of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the Rules") which state that the Tribunal "may do anything at a case management discussion which it may do at a hearing, including make a decision" and, accordingly, I determined to grant an Order for payment for £1,500.00.
9. The Respondent having requested time to pay the sum due, and the Applicant agreeing to this, in terms of Rule 16 of the Rules, I directed the Respondent to lodge a Time to Pay Application within seven days of today's date.

NOTE: This document is not confidential and will be made available to other First-tier Tribunal for Scotland (Housing and Property Chamber) staff, as well as issued to tribunal members in relation to any future proceedings on unresolved issues.

K Moore

Legal Member

28 June 2019

Date