



**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/20/1704**

**Re: Property at 14 G/L Netherhill Crescent, Paisley, PA3 4RY (“the Property”)**

**Parties:**

**Mr Martin Deeney and Mrs Anne Deeney, 25 Nether Auldhouse Road, Glasgow, G43 2XG (“the applicants”)**

**Miss Caitlin Mitchell and Mr John Brown, 72 Renfrew Road, Paisley, PA3 4BH (“the respondents”)**

**Tribunal Member:**

**David Preston (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) determined that the applicants were entitled to an order for payment by the respondents in the sum of £756.24.**

**Background**

1. Following the Decision dated 30 March 2021 to recall the earlier Decision and Order for Payment dated 2 March 2021 a further Case Management Discussion (“CMD”) to place on 7 July 2021 to consider the Time to Pay Direction Application dated 13 January 2021.
2. In attendance by telephone were: Mrs Anne Deeney representing the applicants; and the respondents.
3. The tribunal considered the Time to Pay Direction Application and noted that the applicants were prepared to accept the offer of £20 per month notwithstanding the passage of time and notwithstanding the fact that the respondents had made no effort to make any payment towards the arrears.

4. Mr Brown claimed that he had no contact details for the applicants. He had disposed of his copy of the Tenancy Agreement following their removal from the property. He said that rental payments had been made direct from universal credit and he had no bank details for the applicants. He explained that the reason for his email of 3 June 2021 in which he had asked for a letter confirming his attendance at this CMD to show to his manager in order that he could have the day off was that he had been in employment for two weeks and it was once again unemployed. He confirmed that on receipt of bank details he would commence payments and undertook that payment would be made on the 26<sup>th</sup> day of each month.
5. During the call, Mrs Deeney said an email to the respondents providing them with her bank details and Mr Brown acknowledged confirmed receipt.
6. The tribunal considered the terms of the Time to Pay Direction Application and, in the absence of any objection from the applicants, determined to make the Order for Payment with a Time to Pay Direction.

### **Reasons for Decision**

7. Rule 17 of the Regulations states that the tribunal may do anything at CMD which it may do at a hearing, including making a decision. Tribunal decided that, on the basis of the information before it, it was in a position to make a decision without further enquiry.
8. In terms of the Time to Pay Direction Application the respondents admitted the claim. The applicants accepted the offer of payment at the rate of £20 per month.

### **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.**

**David Preston**

7 July 2021

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**Legal Member**

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**Date**