



**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/20/1922**

**Re: Property at 126 Torbrex Road, Cumbernauld, G67 2JS (“the Property”)**

**Parties:**

**Mr William Neagle Cathcart, 2a Westmount Park, Newtonards, Co Down, BT23 4BP (“the Applicant”)**

**Mr Lee Brett Newman, Ms Shannon Crichton, 126 Torbrex Road, Cumbernauld, G67 2JS (“the Respondents”)**

**Tribunal Members:**

**John McHugh (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment of the sum of £2875 should be made in favour of the Applicant.**

**Background**

The Applicant is the landlord and the Respondents the tenant in respect of a private rented tenancy agreement relating to the Property dated 26 September 2019.

**The Case Management Discussion**

A Case Management Discussion("CMD") took place by telephone conference on 14 December 2020.

The Applicant was represented by his solicitor, Nichola McAtier. Both Respondents were in attendance.

## **Findings in Fact**

The Applicant is the landlord and the Respondents the tenant in respect of a private rented tenancy agreement relating to the Property dated 26 September 2019.

Rent was payable under the agreement at the rate of £495/month.

The sum of £2875 is outstanding by the Respondents in respect of rent for the period to 26 July 2020.

The Respondents' obligations under the tenancy are joint and several.

## **Reasons for Decision**

The Respondents accept that they are in rent arrears to the extent of £2875.

They advise that they could afford to pay instalments of between £50-100 per month. They advise that they had made such a proposal to the Applicant some weeks ago but received no response. The Applicant's representative had no knowledge of this. Mr Newman advises that both Respondents are in receipt of Universal Credit. He expects to apply for his own sequestration shortly.

In the circumstances and although no formal application for time to pay had been completed, the Tribunal considered the proposal. The Tribunal rejected it on the basis that repayment would take an unreasonably long time having regard to the size of the debt.

## **Decision**

An Order requiring the Respondents to pay to the Applicant the sum of £2875 will be made.

## **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.**



**John McHugh, Legal Member/Chair**

14 December 2020  
**Date**