

Housing and Property Chamber
First-tier Tribunal for Scotland



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
Act 2016**

Chamber Ref: FTS/HPC/CV/19/2308

Re: Property at Pitslugarty, Potarch, Banchory, AB31 4BP (“the Property”)

Parties:

**Ballogie Estate Enterprises, Ballogie Estate Office, Ballogie, Aboyne, AB34
5DS (“the Applicant”)**

**Miss Julie Webb, 105 Raemoir Avenue, Banchory, AB31 5UF (“the
Respondent”)**

Tribunal Members:

Valerie Bremner (Legal Member)

This is an application in terms of Rule 70 of the Tribunal Rules for a payment order in respect of rent said to be lawfully due by the Respondent to the Applicant.

Mr Nicol the managing partner of Ballogie Estate Enterprises attended the Case Management Discussion along with Ms Smith also from Ballogie Estates. The Respondent attended on her own behalf that and represented herself.

The Tribunal had sight of the Application, a tenancy agreement together with a customer ledger card. Ms Smith advised the Tribunal that the sum being requested was to be reduced from the amount in the application as the deposit had been set against the arrears and the sum being sought was now £ 1734.35.

The parties were agreed that the tenancy agreement commenced on 1st October 2017 and ended at the end of November 2018 with monthly rent of £700.



Miss Webb did not dispute that the sum being sought was lawfully due by her and was willing to pay the arrears in instalments of £100 per month due to her current financial circumstances.

Miss Webb completed a Time to Pay Direction Request Form which was considered by the Tribunal. Having considered this and there being no objection by the Applicant the Tribunal in making a payment order made a Time to Pay direction having regard to the full circumstances including the Respondent's financial circumstances as set out in the form.

Findings in Fact

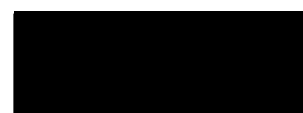
1. The Applicant and Respondent entered into a tenancy agreement at the property with effect from October 1st 2017.
2. The rent due by the Respondent to the Applicant was £700 per month.
3. Unpaid rent for the property in the sum of £1734.35 is lawfully due by the Respondent to the Applicant.

Reasons for Decision

The sum of £1734.35 of unpaid rent is lawfully due by the Respondent to the Applicant and it is reasonable to make a payment order in this sum.

Decision

The Tribunal made a Payment Order in the sum of £1734.35 in favour of the Applicant and due by the Respondent. A Time to Pay Direction is attached to the Order directing payment at the rate of £100 per month with the first payment due on 28th October 2019.



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.



Legal Member/Chair

27 september 2019

Date

