

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014**

**Chamber Ref: FTS/HPC/CV/19/2870**

**Re: Property at 58 Eaglesham Court, East Kilbride, Glasgow, G75 8GS (“the Property”)**

**Parties:**

**Mrs Antonella Lopresti Brodigan, 1A Kendal Way, Cambridge, CB4 1LP (“the Applicant”)**

**Ms Nicole Boyd, 60 Chalmers Crescent, East Kilbride, Glasgow, G75 0PD (“the Respondent”)**

**Tribunal Members:**

**Graham Harding (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondent in the sum of £1794.66 payable by instalments of £100.00 per calendar month under a Time to Pay Direction in terms of the Debtor (Scotland) Act 1987.**

**Background**

1. By application dated 12 September 2019 the Applicant’s representatives Jackson Boyd, Solicitors, Glasgow applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondent’s lease of the property. They submitted a copy of the tenancy agreement, a rent statement and a copy of the title deeds to the property.
2. By Notice of Acceptance dated 3 October 2019 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion was assigned.

3. Intimation of the Case Management Discussion was given to the Applicant's representatives by Recorded Delivery post and to the Respondent by Sheriff Officers.
4. The Respondent submitted an application for a Time to Pay Direction received by the Tribunal on 4 November 2019 accepting liability for the claim and offering to pay by instalments of £100.00 per month until the debt was paid in full.
5. By email received by the Tribunal on 7 November 2019 the Applicant's representatives confirmed the Applicant's acceptance of the offer to pay by instalments.
6. The Tribunal received confirmation from the Applicant's representative on 12 November 2019 and from the Respondent on 13 November 2019 that they were content for the Tribunal to determine the application without a hearing.
7. The Tribunal being satisfied in terms of Rule 18 of the First-tier Tribunal Housing and Property Chamber (Procedure) Regulations 2017 ("the 2017Rules") that having regard to such facts as were not disputed by the parties it was able to make sufficient findings to determine the case and to do so would not be contrary to the interests of the parties determined to make a decision without a hearing.

#### **Findings in Fact**

8. The parties entered into a Short Assured Tenancy that commenced on 28 January 2017 and ended on 4 June 2018.
9. The monthly rent was £550.00.
10. The Respondent accrued rent arrears of £1794.66.
11. The Respondent has acknowledged liability for the debt and offered to pay by instalments of £100.00 per month.

#### **Reasons for Decision**

12. The Applicant's representatives produced adequate vouching to support the sum claimed.
13. The Respondent acknowledged liability for the sum claimed and offered to pay the debt by way of instalments of £100.00 per month. The Applicant's representatives confirmed their client's acceptance of the offer. The Tribunal was of the view that the debt would be cleared within a reasonable period of time and therefore the Time to Pay Direction should be granted.

## Decision

14. The Tribunal finds the Applicant entitled to an order for payment by the Respondent in the sum of £1794.66 payable by way of instalments of £100.00 per calendar month under a Time to Pay Direction in terms of the Debtors (Scotland) Act 1987

## 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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

  
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Legal Member/Chair

14 November 2019  
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Date