



Decision with Statement of Reasons 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/22/0596

Re: Property at 18 Brighton Grange, Peterculter, Aberdeen, AB14 0UF (“the Property”)

Parties:

Mr Michael Reid, 26 Brighton Grange, Peterculter, Aberdeen, AB14 0UF (“the Applicant”)

Mr John Coutts, 8 Allachy Terrace, Aberlour, AB38 9PP (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an order for payment for £2003.38 (TWO THOUSAND AND THREE POUNDS AND THIRTY EIGHT PENCE) paid at instalments of £40 (FORTY POUNDS) per month from 25th August 2022 as per the Time To Pay Direction.

Background

1. This is an application in terms of Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). The Applicant is seeking an order for payment of the sum of £2003.38 in terms of s16 of the Housing (Scotland) Act 2014. It was erroneously applied for under Rule 111.
2. A Case Management Discussion (“CMD”) was held on 13th June 2022 at 2pm. The Applicant was present and represented himself. The Respondent was

present and represented himself. The Respondent admitted the debt but wanted time to pay. The Respondent had lodged a Time To Pay Direction ("TTPD") but it had not been received by the Housing and Property Chamber. The Respondent wished this to be considered. The Tribunal continued the CMD to a further CMD to allow for the direction to be lodged on the Housing and Property Chamber computer system.

Case Management Discussion

3. A CMD was held on 9th August 2022 at 10am by teleconferencing. The Applicant was present and represented himself. The Respondent was present and represented himself.
4. The Applicant had not seen the TTPD. He read over it during the CMD. He would preferred to have received the full amount but accepted the amount offered of £40 per month. The Respondent confirmed that this would be from 25th August 2022. The Respondent will set up a direct debit but may need the Applicant's bank details. The Applicant is willing to email them to him and noted that his bank details were on the lease. The Tribunal noted that the lease is within the bundle of papers. The Respondent will look at those and email the Applicant if he cannot locate it. The Respondent apologised that the arrears had accrued. He noted that he had the assistance of The Butterfly Trust to help him complete the TTPD.
5. As parties were in agreement the Tribunal granted the Order as per the TTPD.

Findings and reason for decision

6. A Short Assured Tenancy commenced on 11th May 2017.
7. The Respondent persistently failed to pay his rent charge of £600 per month. This had been originally £695 until it was reduced in May 2018. The rent payments are due to be paid on 17th day of each month.
8. The Respondent admits the debt and wishes to pay as per the TTPD at £40 per month from 25th August 2022 by direct debit.
9. The arrears sought total £2003.38.

Decision

10. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £2003.38. This will be paid by instalments as per the TTPD. The first payment will be on 25th August 2022. The Order will commence from 25th September 2022 to allow for the appeal period to have lapsed before service of the Order.

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.

G Miller

9th August 2022

Legal Member/Chair

Date