



**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/19/1280**

**Re: Property at 33 Brookfield Place, Alva, FK12 5AB (“the Property”)**

**Parties:**

**Beatsons Building Supplies, Whins Road, Alloa, FK10 3TA (“the Applicant”)**

**Mr Valdemar Sardeki 'otherwise Sardecki', 33 Brookfield Place, Alva, FK12 5AB (“the Respondent”)**

**Tribunal Members:**

**Mark Thorley (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the Respondent to the Applicant of the £3220 ( Three Thousand Two Hundred and Twenty Pounds) be made with a Time to Pay Direction in the sum of £200 ( Two Hundred) Pounds per week.**

**Background**

- 1. The applicant applied to the First-tier Tribunal under Rule 70. The application was dated 16 April 2019. Along with a copy of the application the applicant supplied a copy of bank statements together with a copy of correspondence from his solicitor to the respondent, a copy rent sheet and a copy of the Lease.**
- 2. The respondent completed a Time to Pay Direction.**
- 3. There was an anomaly in relation to the completion of the form in that in section 2 of the form i.e. liability for the claim there was no box for the respondent to tick. However the respondent had completed and signed the**

**declaration at part 9 admitting liability for the debt which forms the applicant's claim.**

### **Case Management Discussion**

**At the case management discussion Mr Mackie solicitor appeared on behalf of the applicant. The respondent was present.**

**The applicant confirmed the amount outstanding in terms of rent. The Respondent accepted that the rent was due.**

**The Time to Pay Direction was sought by the Respondent at £200 per week which was accepted by the Applicant.**

### **Findings in Fact**

- 1. The applicant has leased the property at 33 Brookfield Place, Alva FK12 5AB from 1 April 2007.**
- 2. The respondent has accrued rent arrears of £3,220.**
- 3. The respondent has offered in the Time to Pay Direction to pay the sum of £200 per week to the outstanding rent.**
- 4. The applicant has accepted that offer.**

### **Reasons for decision**

**1.. The Time to Pay Direction was defectively sent to him in respect that in part 2 there was no box to tick for an admission of the claim. However the form was completed on the basis that he was wishing time to pay and clause 9 of the form sets out that he admits liability and he has signed the form. In addition the Respondent attended, accepted the rent was due and confirmed the offer in the Time to Pay Direction.**

**2. The Time to Pay Direction was accepted by the applicant. In the circumstances an order was granted for payment of the sum at the rate of £200 per week.**

### **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.**

M Thorley

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**Legal Member/Chair**

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**Date**

30 July 2019