

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 2014.

Chamber Ref: FTS/HPC/CV/18/0323

Re: Property at 18 Dungoil Road, Lenzie, G66 5PG ("the Property")

Parties:

Mr Douglas Cowan, Mrs Maria Cowan, 03 27 Drygate, Glasgow, G4 0XY ("the Applicants")

Mrs Christine Dickie, 1A Drumhill, Kirkintilloch, G66 2UW ("the Respondent")

Tribunal Members:

Lesley Ward (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the respondent shall make payment to the applicants of the sum of one thousand and forty pounds (£1040). The tribunal granted the respondent's application for a time to pay direction and granted an order for payment by instalments of fifty pounds per month.

This is a case management discussion 'CMD' regarding an application in terms of rule 70 of the tribunal rules of procedure in relation to outstanding rent for the property. The applicants were represented by Miss Sara Cowan. The respondent attended and represented herself.

A previous CMD was adjourned for several months to enable the respondent to make payments of the arrears by instalments as the outstanding rent was not disputed. Since the first CMD the application has been adjourned on several occasions. The in house convenor decided to arrange a new CMD and drew the parties attention to the new rule 41H which provides for an application for a time to pay direction.

It is a matter of agreement today that the outstanding rent remaining is £1040. The applicant's representative stated that the applicants would be content for the application to be adjourned again. In the event that the tribunal is not minded to do so she is instructed to seek an order for £1040. The respondent is currently making payment of the rent at £50 per month. If a time to pay direction application was made by the respondent today, Miss Cowan pointed out that this would require her to make 20 payments of £50 and one payment of £40. Her client's would be happy with that. The respondent sought a time to pay direction and the tribunal adjourned for her to complete the form. The tribunal was not minded to adjourn the application again and in accordance with the overriding objective granted an order for £1040 payable by monthly instalments of £50.

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.

L Ward

Lesley A Ward Legal Member

9 May 2019

Date