



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/19/0554

Re: Property at 59(C) Marischal Street, Aberdeen, AB11 5AB (“the Property”)

Parties:

Mr Mohammed Mehrabadi, 3 Queens Den, Aberdeen, AB15 8BW (“the Applicant”)

Miss Asta Jasuleviciute, 36 Virginia Court, Aberdeen, AB11 5EP (“the Respondent”)

Tribunal Members:

Petra Hennig-McFatridge (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in favour of the Applicant. A time to pay direction was made allowing the Respondent to make payment of the principal sum of £880 by instalments in the sum of £70 per month.

Procedural Background:

The Applicant is seeking an order for payment of rent arrears for the property. An application in terms of Rule 70 (Civil Proceedings) was lodged on 24 September 2019 and the sum outstanding stated as £880 rent arrears arising from a Private Residential Tenancy Agreement between the parties commencing on 15 February 2018.

There had been two previous Case Management Discussions (CMD) in this case, the notes of which are referred to for their terms and held to be incorporated herein. At the CMD on 24 September 2019 the Applicant and the Respondent attended.

The Case Management Discussion:

Both parties attended. The Respondent submitted an application for a Time to Pay Direction which was part completed. The Tribunal Member explained some of the entries required to the Respondent and the Respondent signed the completed application and submitted this to the Tribunal. The Respondent read the application and consented to it.

Both parties agree that the sum currently owed in rent arrears from the tenancy is £880. The parties agree this should be paid by instalments of £70 per month commencing on 4 October 2019 and monthly thereafter.

Findings in Fact:

- 1. The Applicants and the Respondents entered into a Private Residential Tenancy agreement commencing on 15 February 2018, which has since come to an end.**
- 2. As per the calculation in the application dated 25 February 2019 the amount outstanding in rent is £880.**
- 3. The parties are agreed that this should be paid in instalments of £70 per month.**
- 4. At this rate payment of the full sum will take less than 2 years.**

Reasons for the Decision:

The Tribunal make the decision on the basis of the written evidence lodged by both parties and the evidence of the parties at the CMD. The facts in the case are not disputed. The rent outstanding as of the date of the CMD based on the amounts paid as per the application is £880. There was no defence to the action. It is not in dispute that the sum of arrears were due by the Respondent to the Applicants.

The Respondent lodged a time to pay application at the CMD which was agreed by the Applicant.

The Applicant is entitled to payment of the sum of £880

The Tribunal grants the order as rent lawfully due to the Applicant by the Respondent had not been paid.

The Respondent now seeks to clear the debt accumulated.

The Tribunal was satisfied that it was reasonable in all the circumstances to grant a time to pay direction, having regard to the nature and reason of the debt, the action

taken by the Applicant to assist the Respondent in paying the debt, the Respondent's financial position, the reasonableness of the Respondent's proposal and the Applicant's agreement to the proposal.

From the information on the application for time to pay direction the Tribunal is satisfied that the payment rate proposed is realistic and the debt would be cleared within less than 2 years.

Decision

The Tribunal grants an order against the Respondent for payment of the sum of £880 to the Applicant. The Tribunal also makes a time to pay direction allowing payment to be made by instalments of £70 per month.

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.

P Hennig-McFatrige

Legal member/Chair

Date

24.9.19