



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

**Chamber Ref: FTS/HPC/CV/2672**

**Re: Property at 50 Union Street, Motherwell, ML1 4HF**

**Parties:**

**Mr David Murray, residing at 11 Kilmore Grove, Coatbridge, North Lanarkshire, ML5 5JU (“the applicant”).**

**Mrs Leanne Hewitt, residing at the property (“the respondent”).**

**Tribunal Member:**

**David M Preston (Legal Member)**

**Decision**

**The tribunal determined that the applicant was entitled to an Order for payment in the sum of £1310.**

**Background:**

1. Following the Case Management Discussion (CMD) on 2 March 2021 a Note was issued in terms of which the CMD was adjourned until 30 March 2021 to enable the respondent to submit an application for a Time to Pay Direction. A copy of the Note was issued to the respondent by Recorded Delivery mail.
2. On 30 March 2021 the adjourned CMD was convened by telephone in accordance with the provisions for dealing with business during the COVID-19 pandemic. Mr Paul Clark of Aquila Management Services Ltd attended on behalf of the applicant and the respondent attended on her own behalf.
3. The tribunal had before it: Application Form dated 26 December 2020; copy Private Printed Tenancy Agreement dated 24 July 2020; Rent Statement to 26 December 2020; Note of CMD Discussion dated 2 March 2021. No application for Time to Pay had been received from the respondent.

### **Summary of Discussion:**

3. The respondent acknowledged and admitted that the arrears of rent had accrued. She explained that she had been furloughed during the pandemic and had not received her full wage. She had arranged with DWP that a payment towards the arrears would be made but this had not been paid yet. She said that she was trying to come to an arrangement with Mr Clark to make payment towards the arrears and some payments had been received which had reduced the amount of the arrears. She was due to return to work in April.
4. Mr Clark confirmed that the arrears had reduced to £1310 which was the sum now sought. He confirmed that he hoped to come to an arrangement with the respondent to clear the arrears. He said that his client wanted some level of certainty as to when payments may be made.
5. The respondent agreed with the reduced level of arrears. She confirmed that she had received an application form along with the notification of the original CMD and papers which had been served on her by the Sheriff Officers. The tribunal explained that an opportunity had been given to her to make the application for Time to Pay Direction, but she had failed to do so.
6. The tribunal is not a position to continually adjourn the CMD and it explained that it had no option, in light of the acknowledgement by the respondent of the arrears, but to grant the Order for Payment of the reduced sum. It was open to the parties to make whatever arrangements they saw fit to allow the respondent to clear the arrears. So long as the applicant was content with such an arrangement and the respondent maintained payments at the agreed rate the Order could remain unenforced. In the event of a failure to reach or maintain payments, it would be open to the applicant to enforce the Order.

### **Outcome:**

7. The tribunal granted an Order for Payment in the reduced sum of £1310.

**David Preston**

30 March 2021