

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/19/2055

Re: Property at Flat E, 251 Kelvindale Road, Glasgow, G12 0QU (“the Property”)

Parties:

Mr Graham Hutchison, Mrs Anne Hutchison, Ferguslea, Lamlash, KA27 8LG (“the Applicants”)

Mr Brian Warwick, Mrs Sharon Warwick, 251 Kelvindale Road, Glasgow, G12 0QU (“the Respondents”)

Tribunal Members:

John McHugh (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the sum of £2235 should be paid by the Respondents to the Applicants. The Tribunal determined that repayment should be made at the rate of £300/week.

Background

The Applicants are the landlord and the Respondents the tenant of the Property in terms of a Private Residential Tenancy Agreement dated 22 March 2019.

Case Management Discussion

A Case Management Discussion (“CMD”) took place at the Glasgow Tribunals Centre on 25 October 2019. Mrs Anne Hutchison was present along with Michelle O’Donnell and Colin McMillan of the Applicants’ letting agents.

Mrs Sharon Warwick was present.

Findings in Fact

The Agreement of 22 March 2019 provided that rent was payable at the rate of £925 per month in advance with effect from 23 March 2019.

The Agreement further provided for payment of a deposit by the Respondents in the sum of £925.

The Respondents have paid the sum of £925 to a deposit scheme.

As at the date of the hearing, rent arrears amount to £2235.

Reasons for Decision

After some discussion, the parties were agreed that the sum of £2235 is outstanding by way of rent and the Respondents agreed that it was appropriate that such an order be made. Mrs Warwick advised that the Respondents would be unable to pay in full but could pay by instalments of £300/week, beginning on 1 November 2019.

Mrs Warwick advised that both she and her husband are working and that £300/week is the most they can afford in addition to paying the ongoing monthly rent. The Applicants oppose the application for time to pay and are apprehensive that the Respondents may struggle to repay at such a high level. Having regard to the relatively fast time in which the proposal would settle the outstanding balance, the Tribunal considers the application for time to pay to be reasonable and is prepared to grant it.

As the process of issuing the Tribunal's order allows a period for an appeal to be lodged, it is anticipated that the instalments will have begun by the time it is received by the parties and clearly it would be preferable that the Respondents do commence payments in accordance with the representations made at the CMD.

Decision

The Respondents will be ordered to pay the sum of £2235 to the Applicants. The Order will be subject to a time to pay application of £300 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.

J McHugh

Legal Member/Chair

25 Oct 2019

Date