



**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 and Section 1 of the Debtors (Scotland) Act 1987 (“the 1987 Act”)**

**Chamber Ref: FTS/HPC/CV/21/1984**

**Re: Property at Flat 3/2 1277 Dumbarton Road, Glasgow, G14 9UY (“the Property”)**

**Parties:**

**Kelvin River Property Estates Ltd, 50 Victoria Crescent Road, Glasgow, G12 9DE (“the Applicant”)**

**Ms Karina MacPhee, Flat 1/1 13 Henrietta Street, Glasgow, G14 0BQ (“the Respondent”)**

**Tribunal Member:**

**G McWilliams- Legal Member**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent’s Application for a Time to Pay Direction be granted and that an order for payment of £1310.00 be made and that at £100.00 per calendar month with the first payment to be made no later than 14 days after intimation of the order.**

**Background**

1. The Applicant applied under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”) for payment of £1800.00 in respect of arrears of rent under the parties’ Private Residential Tenancy Agreement (“PRT”).
2. The Applicant lodged a copy of the parties’ PRT and a Rent Statement with the Application.
3. The parties’ PRT started on 4<sup>th</sup> May 2018 and ended on 4<sup>th</sup> August 2021.

4. The Applicant amended the amount of payment of rent arrears sought to the sum of £1310.00 on 13<sup>th</sup> September 2021.

### **Time to Pay Application**

5. The Respondent lodged an Application for Time to Pay in respect of the rent arrears sought by the Applicant, of £1310.00, in an email sent to the Tribunal's office on 28<sup>th</sup> September 2021. The Applicant accepted the Time to Pay Application in their email to the Tribunal's office dated 30<sup>th</sup> September 2021.

### **Findings in Fact and Law**

6. In terms of the parties PRT the Respondent owes rent arrears to the Applicant in the sum of £1310.00. The Respondent accepts this and submitted an Application for Time to Pay in respect of that sum, at the rate of £100.00 per calendar month. The Applicant accepts the Time to Pay Application. A Time to Pay Direction for repayments of £100.00 per calendar month, over some 13 months to settle the rent arrears owing, is fair and reasonable, in terms of Section 1 of the 1987 Act.

### **Reasons for Decision**

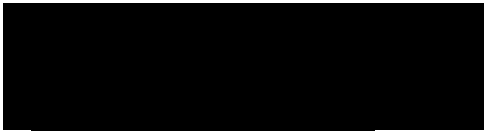
7. The Respondent's Time to Pay Application is accepted by the Applicant. By repayment of the arrears of rent owing at the rate of £100.00 per calendar month it will take the Respondent just over 13 months to settle her indebtedness to the Applicant. This duration for full repayment is fair and reasonable to/for both parties.

### **Decision**

8. The Tribunal makes an order for payment by the Respondent to the Applicant of £1310.00 at the rate of £100.00 per calendar month, with the first payment to be made no later than 14 days after intimation of the order, in terms of Section 1 of the 1987 Act.

### **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.**



**G McWilliams Legal Member**

**7<sup>th</sup> October 2021**