



**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/19/1985**

**Re: Property at 3FL 8 Crown St, Aberdeen, AB11 6HB (“the Property”)**

**Parties:**

**Mr William Stephenson, 24 Springbank Terrace, Aberdeen, AB11 6JY (“the Applicant”)**

**Mr Tom Stubbs, 3FL 8 Crown St, Aberdeen, AB11 6HB (“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 of the amount of £900 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 £900 by instalments in the sum of £50 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 25 July 2019 and the sum outstanding stated as £900 rent arrears, based on a monthly rent of £600 for two tenants of which £300 was due by the Respondent. This relates to a Rental Agreement for a tenancy starting 1 July 2017.**

**The Applicant lodged the Rental Agreement dated 12 June 2017 and a document headed Summary of rent non-payment.**

The Tribunal first fixed a Case Management Discussion for 28 August 2019 at which both the Applicant and the Respondent attended.

### **The Case Management Discussion:**

Both parties attended the Case Management Discussion (CMD). Both parties had been advised in the documentations sent by the First tier Tribunal that a decision can be made at the CMD. The Respondent was supported by his mother, Ms Stubbs, acting as his supporter in terms of Rule 11 of the Tribunal's Rules of Procedure.

At the CMD the Applicant explained that although the rent is shown as £600 per months in the Rental Agreement, this related to the whole rent due by two tenants. The share due by the Respondent was £300 per month. The Respondent had missed 3 payments at the start of the tenancy. Thereafter payments had been made directly to the Applicant by the Local Authority.

The Respondent confirmed that the statements set out in the application and the calculation of the sum outstanding were not disputed. He explained that he had not been able to complete the Time to Pay Direction application before the CMD but that he was now in a position to offer payments at the rate of £50 per month as he was to start permitted work and this would give him the necessary funds to pay back the £900 in instalments of £50 per month. He stated he had problems with budgeting when he first moved into the property and had asked that his benefit payments should be made directly to the Applicant. The Local Authority initially refused to do so and he had not managed to budget the payments made to him and thus incurred the debt. After 3 months the Council agreed to make direct payments to the landlord but by then a debt of £900 for the months of July to September 2017 had already accrued. The Applicant consented to the time to the payment plan offered.

### **Findings in Fact:**

- 1. The Applicant as landlord and the Respondent and another individual as tenants entered into a Short Assured Tenancy commencing 1 July 2017.**
- 2. In terms of the Agreement rent of £600 is due in advance of each rent payment date. The share due by the Respondent for the rent was £300 per month.**
- 3. For the months of July to September 2017 the Respondent's share of the rent was not paid.**
- 4. Rent payments thereafter have been made to the Applicant directly by the Local Authority.**
- 5. No payments have been made by the Respondent to clear the rent arrears.**
- 6. As at 28 August 2019 £900 in rent arrears remain outstanding.**
- 7. The Respondent is seeking a Time to Pay Direction at the rate of £50 per month. At this rate payment of the full sum will take 18 months.**

### **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 schedule lodged and outstanding sum or rent arrears is £900. It is not in dispute that the sum of £900 rent arrears is due by the Respondent to the Applicant.

The Respondent at the CMD applied to pay the arrears at the rate of £50 per month, which was agreed by the Applicant.

The Applicant is entitled to payment of the sum of £900.

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 due to the Respondent commencing permitted work and the rate proposed would clear the arrears within 18 months.

### **Decision**

**The Tribunal grants an order against the Respondent for payment of the sum of £900 to the Applicant. The Tribunal also makes a time to pay direction allowing payment to be made by instalments of £50 per month with the first payment due on 29 September 2019.**

### **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

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**Legal Member/Chair**

28. 8. 2019  
**Date**