



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

Chamber Ref: FTS/HPC/CV/22/2959

Re: Property at 46 Smithfield Meadows, Alloa, Clackmannanshire, FK10 1TF (“the Property”)

Parties:

Mr Ryan Ritchie, 47 Blairbeth Road, Rutherglen, G73 4JF (“the Applicant”)

Ms Cheryl MacLennan, Address Unknown (“the Respondent”)

Tribunal Members:

Josephine Bonnar (Legal Member)

Decision in absence of the Applicant and Respondent

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment for the sum of £5044.38 should be granted against the Respondent in favour of the Applicant.

Background

1. The Applicant seeks an order for payment in relation to unpaid rent. A tenancy agreement and rent statement were lodged in support of the application. The application form states that the Applicant seeks a payment order for the sum of £5044.38 with interest at the rate of 8% per annum.
2. A copy of the application and supporting documents was served on the Respondent by advertisement as the whereabouts of the Respondent were unknown. However, the Respondent made contact and requested a copy of the application to be sent to her by email. Both parties were advised that a Case Management Discussion (“CMD”) would take place on 22 March 2023 at 10am by telephone case conference and that they were required to participate.
3. On 9 March 2023, the Respondent submitted an application for a time to pay direction and confirmed that the debt is admitted. She offered to pay the sum

claimed at the rate of £80 per week. On 17 March 2023, the Applicant confirmed that they accepted the time to pay application. The parties were advised that the CMD would be cancelled, and a decision issued based on the application, the time to pay request and the acceptance of same.

Findings in Fact

4. The Applicant is the owner and former landlord of the property.
5. The Respondent is the former tenant of the property.
6. The Respondent was due to pay rent at the rate of £795 per month.
7. The Respondent vacated the property on 5 April 2022.
8. The Respondent owes the sum of £5044.38 in unpaid rent to the Applicant.

Reasons for Decision

9. From the information provided in the application form and the application for a time to pay direction, the Legal Member is satisfied that the Respondent incurred rent arrears of £5044.38 prior to the tenancy ending on 5 April 2022. This was after deduction of the tenancy deposit which was recovered by the Applicant and applied to the arrears. No payments have been made to the rent account since that date. The Legal Member is satisfied that the Applicant is entitled to an order for payment for the sum of £5044.38.
10. The Respondent applied for time to pay, offering £80 per week. She provided full details of her income and outgoings. The Applicant has confirmed that he is happy to accept instalments at the rate of £80 per week. Having considered the application, the Legal Member is satisfied that a time to pay direction should be issued in the terms proposed.

Decision

11. The Tribunal determines that an order for a payment order should be granted against the Respondent and issued a time to pay direction for payments at the rate of £80 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.

Josephine Bonnar

Josephine Bonnar, Legal Member

22 March 2023