



**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/22/2702

**Re: Property at PF2, 8 Hermand Street, Slateford, Edinburgh, EH11 1QT (“the
Property”)**

Parties:

Mr Marc Keys, 37 Quality Street, Edinburgh, EH11 1QT (“the Applicant”)

**Miss Carmen McSporrán, PF2, 8 Hermand Street, Slateford, Edinburgh, EH11 1QT
 (“the Respondent”)**

Tribunal Members:

Gillian Buchanan (Legal Member) and David Fotheringham (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) :-**

- i. Refused the Applicant’s request to amend the sum sought in the application; and**
- ii. Determined that the Respondent is liable to pay to the Applicant the sum of One Thousand Six Hundred and Eighty Five Pounds (£1,685) and made a time to pay direction under Section 1(1) of the Debtors (Scotland) Act 1987 requiring the Respondent to pay that amount by instalments of Three Hundred and Twenty Five Pounds (£325) per month until the full amount has been paid. The first payment must be made no later than 7 days after intimation of the payment order.**

Background

The Tribunal noted the following background:-

- i. The Applicant leased the Property to the Respondent in terms of a Private Residential Tenancy Agreement (“the PRT”) that commenced on 12 July 2021.**
- ii. The rent payable in terms of the PRT is £675 per calendar month.**
- iii. As at the date of the application the rent arrears were £1,685.**

Application to Amend Sum Sought

By email dated 10 January 2022 the Applicant's representative sought to increase the sum sought in the application to £3,560.

Requests to amend an existing issue in an application are dealt with in terms of Rule 14A of the First-tier Tribunal for Scotland Housing & Property Chamber Rules of Procedure 2017 which states:-

"14A.— Request to amend the application in respect of matters other than new issues

(1) Where a new issue is not raised, a party may request to amend the application, including the sum claimed, by intimating the amendment to any other party and the First-tier Tribunal at least 14 days prior to a case management discussion or hearing.

(2) The First-tier Tribunal may consent to the amendment on such conditions, if any, as the First-tier Tribunal thinks fit."

It is a condition of any application to amend an application that intimation of the request is made to the Tribunal and to the other party at least 14 days prior to the Case Management Discussion. The Case Management Discussion was assigned to take place on 24 January 2023. Whilst the request to amend was made timeously to the Tribunal the request was only intimated to the Respondent by email on 17 January 2023.

Intimation to the Respondent was not made timeously in terms of Rule 14A. The request to amend is therefore refused.

Time to Pay Application

The Respondent submitted a Time to Pay Direction application dated 9 January 2023 under the Debtors (Scotland) Act 1987 in terms of which the Respondent offered to pay the sum sought in the application by monthly instalments of £325.

The Applicant's representative submitted a Response to the Time to Pay Direction application dated 16 January 2023 in terms of which the Applicant accepted the Respondent's proposal.

Reasons for Decision

A Time to Pay Direction application having been submitted by the Respondent and accepted by the Applicant, an order for payment requires to be made in appropriate terms.

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.

Legal Member/Chair

20 January 2023
Date