



**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/23/1091

**Re: Property at 53 Lawfield Avenue, West Kilbride, Ayrshire, KA23 9DH ("the
Property")**

Parties:

Mrs Moria Rugg, 24 Witches Linn, Ardrossan, Ayrshire, KA22 8NP ("the Applicant")

**Mr Stephen Templeton, care of care of 84 New Street, Stevenston, KA20 3HD
("the Respondent")**

Tribunal Members:

Gillian Buchanan (Legal Member)

Decision

A Case Management Discussion ("CMD") took place on 17 August 2023 by telephone conference. The Applicant and Respondent were in attendance.

Prior to the CMD the Tribunal had received from the Applicant an email dated 13 July 2023 with attachments.

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the
Tribunal") determined that:-**

Background

1. The application concerns a Private Residential Tenancy ("PRT") entered into between the parties relative to the Property that commenced on 1 November 2020. The rent agreed to be payable under the PRT was £400 per calendar month payable in advance on the first day of each month. No deposit was taken from the Respondent.

The Applicant's Claim

2. The Applicant seeks a payment order against the Respondent in respect of rent arrears due to the date of the Respondent's removal from the Property.

3. The Applicant's application is dated 4 April 2023 and seeks payment of a sum of £2,480 being the rent arrears accrued as at that date.

The CMD

4. At the CMD the Applicant made the following representations:-
 - i. The Respondent vacated the property on 30 May 2023.
 - ii. The rent arrears accrued to the date of the Respondent's removal are £3,274.52.
 - iii. The Applicant sent a Rent Statement to the Respondent by means of a photograph attached to a text message on 6 July 2023 asking for payment of the arrears due. She received no response.
 - iv. The Applicant seeks to amend the sum sought to £3,274.52 and seeks a payment order in that amount.

5. At the CMD the Respondent made the following representations:-
 - i. That he removed from the Property on 30 May 2023.
 - ii. That the rent arrears outstanding and due are £3,274.52.
 - iii. That he is employed full-time as a joiner. He is paid weekly in a net amount of £505. Overtime is available which can increase his net weekly wages to £710.
 - iv. He is presently homeless and waiting on an allocation of accommodation by the local authority.
 - v. His outgoings comprise maintenance for his children of £50 per week, the cost of his mobile phone at £40 per month and costs of buying food etc at £200 per week. He is a smoker and the costs of smoking are included in the latter sum.
 - vi. He has debts to pay for his former occupation of the Property, namely gas, electricity and Council Tax totalling around £4,500. He has not made any commitment to pay these debts and wishes to prioritise the sums due to the Applicant.
 - vii. The Respondent will pay £500 on Friday 18 August and offers £200 per week thereafter from 25 August 2023. He will pay more each week if he can. Payments will be made directly into the Applicant's bank account.

6. The Applicant made the following further representations relative to the Respondent's payment proposal:-
 - i. She would be happy to accept the proposal outlined.
 - ii. She would be concerned though if the Respondent defaulted.

Findings in Fact

7. The Tribunal made the following findings in fact:-
 - i. The parties entered into the PRT relative to the Property that commenced on 1 November 2020.
 - ii. The rent agreed to be payable under the PRT was £400 per calendar month payable in advance on the first day of each month.
 - iii. No deposit was taken from the Respondent.
 - iv. The Respondent vacated the Property on 30 May 2023.
 - v. As at 30 May 2023 the rent arrears due by the Respondent to the Applicant were £3,274.52.
 - vi. The rent arrears remain outstanding and due in full.

Reasons for Decision

8. The factual background is not in dispute between the parties. The arrears are admitted to be due.

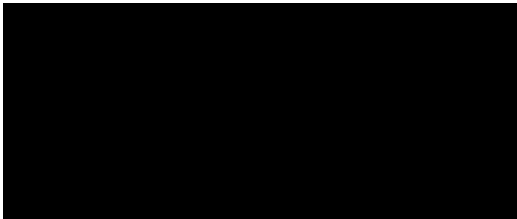
9. The Respondent made a proposal to pay the arrears which, in principle, the Applicant accepts. That payment proposal is reasonable in the circumstances.
10. It is therefore appropriate that the application be amended to reflect the total arrears balance due and that a payment order be granted incorporating a time to pay arrangement.

Decision

11. The Tribunal:-
 - i. Allowed the application to be amended to a sum of £3,274.52.
 - ii. Granted a payment order against the Respondent for payment to the Applicant of £3,274.52 payable by instalments as follows:-
 - £500 on 18 August 2023;
 - £200 per week commencing 25 August 2023 and weekly thereafter until the debt is fully paid.

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

Date 17 August 2023