



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/19/3558

Re: Property at 17B Main Street, Prestwick, KA9 1AA (“the Property”)

Parties:

Mr James Dillett, 18 Mansfield Road, Prestwick, KA9 2DL (“the Applicant”)

Miss Fiona Higgins, 32 Shawfarm Gardens, Prestwick, KA9 2GZ (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member)

Decision (in absence of the parties)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondent in the sum of £3150.00 payable in terms of a Time to Pay Direction under the Debtors (Scotland) Act 1987 at the rate of £100.00 per month.

Background

1. By application dated 28 October 2019 the Applicant applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondent’s occupation of the property. The Applicant provided the Tribunal with a copy of the tenancy offer, repair letter, the tenancy agreement, Notice to Quit, AT6, Demand for Payment and bank statements.
2. By Notice of Acceptance dated 14 November 2019 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion was assigned.
3. Intimation of the Case Management Discussion was sent to the Applicant by post on 26 November 2019 and to the Respondent by Sheriff Officers on 27 November 2019.

4. By application for a Time to Pay Direction dated 11 December 2019 the Respondent accepted liability for the debt and offered to repay it at the rate of £100.00 per month. In said application the Respondent confirmed her current address as 32 Shawfarm Gardens, Prestwick KA9 2GZ
5. The Applicant in his response to the application by the Respondent confirmed he was content with the proposal.
6. In light of the Respondent's acceptance of liability for the debt and the Applicant's acceptance of the Respondent's offer in the Application for a Time to Pay direction the Tribunal was satisfied that it had with regard to such facts as were not disputed by the parties sufficient findings to determine the case and that to do so would not be contrary to the interests of the parties and therefore determined to grant the order sought payable at the rate of £100.00 per month without a hearing all in terms of Rule 18 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 and the Case Management discussion scheduled for 7 January 2020 was cancelled.

Findings in Fact

7. The parties entered into a Short Assured Tenancy Agreement commencing on 1 March 2017 with a monthly rent of £525.00.
8. As at September 2019 the Respondent had accrued rent arrears of £3150.00.
9. By an application for a Time to Pay Direction dated 11 December 2019 the Respondent accepted liability for the debt and offered to repay it at the rate of £100.00 per month.
10. The Applicant accepted the Respondent's offer by response dated 23 December 2019.

Reasons for Decision

11. The Tribunal was satisfied from the documents provided that there had been a Short Assured Tenancy agreement in place between the parties at a monthly rent of £525.00.
12. The Respondent having accepted liability for the debt and the Applicant being prepared to accept payment at the rate of £100.00 per month the Tribunal was satisfied that the outstanding rent amounted to £3150.00.
13. In all the circumstances the Tribunal was satisfied that the application for a Time to Pay direction was a reasonable one and should be granted.

Decision

14. The Tribunal finds the Applicant entitled to an order for payment by the Respondent in the sum of £3150.00 payable in terms of a Time to Pay direction under the Debtors (Scotland) Act 1987 at the rate of £100.00 per month.

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.

Graham Harding

Legal Member/Chair

6 January 2020

Date