



**Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/22/4130**

**Re: 4 Bank Lane, Forres IV36 1NU (“the Property”)**

**Parties:**

**Mr Gavin Ellis, Mrs Penny Ellis, 33/3 Buckingham Terrace, Edinburgh EH4 3AF (“the Applicants”)**

**Mr Jamie Edment, 50 Burdshaugh, Forres IV36 1NQ (“the Respondent”)**

**Tribunal Members:**

**Graham Harding (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicants were entitled to an order for payment by the Respondent to the Applicants in the sum of £1403.84 subject to a Time to Pay Direction at the rate of £150.00 per month.**

**Background**

1. By application dated 16 November 2022 the Applicant’s representatives, Cluny Estate Agents, Forres, applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondent’s tenancy of the property. The Applicant’s representatives submitted a copy of the tenancy agreement together with a rent statement in support of the application.
2. Following further correspondence between the applicant’s representatives and the Tribunal administration the sum claimed was amended to £1403.84..
3. By Notice of Acceptance dated 20 January 2023 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.

4. Intimation of the CMD was served on the Respondent by Sheriff Officers on 17 February 2023.
5. By correspondence dated 24 February 2023 the Respondent admitted the debt and submitted an application for a Time to Pay Direction in terms of the Debtors (Scotland) Act 1987 offering to pay the debt at the rate of £150.00 per month.
6. By email dated 13 March 2023 the Applicants' representatives accepted the Respondent's offer to pay.
7. The Tribunal has therefore determined to adjourn the CMD and to make an order for payment subject to a Time to Pay Direction.

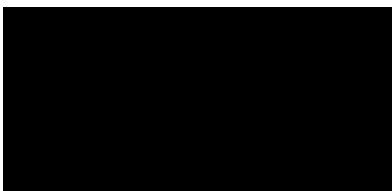
### **Decision**

8. The Tribunal finds the Applicants entitled to an order for payment by the Respondent to the Applicants in the sum of £1403.84 subject to a Time to Pay Direction at the rate of £150.00 per month.

A party may request the First-tier Tribunal Housing and Property Chamber to provide written reasons for this decision within 14 days of the date of issue of this decision.

### **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

**16 March 2023**  
Date