

**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/22/2767**

**Re: Property at 58 Mugiemooss Road, Bucksburn, Aberdeen, AB21 9PF (“the  
Property”)**

**Parties:**

**LAR Housing Trust, F3 Buchan House, Carnegie Campus, Enterprise Way,  
Dunfermline, KY11 8PL (“the Applicant”)**

**Mr Jim McKay, 58 Mugiemooss Road, Bucksburn, Aberdeen, AB21 9PF (“the  
Respondent”)**

**Tribunal Members:**

**Gillian Buchanan (Legal Member) and Leslie Forrest (Ordinary Member)**

**Decision**

A Case Management Discussion (“CMD”) took place on 7 March 2023 by telephone conference. The Applicant was represented by Ms Chloe Bannigan of TC Young, Solicitors, Glasgow. The Respondent was also in attendance.

The CMD was in respect of this matter and the related case bearing reference FTS/HPC/EV/22/2766.

**Background**

A CMD had previously taken place on 22 November 2022.

That CMD was adjourned to allow the Respondent the opportunity to show good faith and his commitment to reduce rent arrears accrued to that date of £4,897.39 by making minimum payments of £600 per month (inclusive of ongoing rent of £481.73 per month) and to continue his engagement with the Applicant.

**The CMD**

At the CMD on 7 March 2023 Ms Bannigan made the following representations for the Applicant:-

- i. The current arrears balance had reduced to £4,543.36.
- ii. The Respondent had paid £600 to the Applicant in each of December 2022 and January and February 2023.
- iii. Having regard to the Respondent's payments the Applicant sought to withdraw the eviction application, FTS/HPC/EV/22/2766.
- iv. The Applicant sought a payment order in a sum of £4,543,36.
- v. The Applicant also sought an order for payment of interest from the date of the Tribunal's decision.

The Respondent made the following representations:-

- i. That he will make a further payment of £600 and will maintain monthly payments of £600.
- ii. That payments are made by bank transfer.
- iii. That he is no longer in receipt of any state benefits.
- iv. That he is in employment and his monthly salary is paid on the 20<sup>th</sup> day of each month.
- v. That he has not yet received any additional commission from his employment but anticipates being able to generate commission within a period of 6 – 9 months from the date his employment commenced.
- vi. That he hoped to make additional payments towards the arrears in around 3 months.
- vii. That he wants to clear the arrears as soon as possible.
- viii. That he received from the Applicant a link to a hardship fund and has submitted an application which, if successful, would further reduce the arrears.

There were no matters of dispute between the parties.

As the discussion unfolded the parties agreed the following:-

- i. That the eviction application would be withdrawn.
- ii. That a payment order would be granted in a sum of £4,543.36.
- iii. That the payment order would be subject to a time to pay direction in a sum of £118.27 per month.
- iv. That the Respondent would continue to make minimum payments of £600 per month to include the ongoing rent of £481.73 per month, with the next payment being made on 20 March 2023.

### **Interest**

With regard to interest the Applicant's application seeks interest on the sum claimed from the date of the tribunal's decision.

The Private Residential Tenancy Agreement between the parties makes no provision for interest to be payable on rent arrears accrued. The Tribunal therefore refused the application for interest.

### **Decision**

The Tribunal makes a payment order in a sum of £4,543.36 subject to a time to pay direction in a sum of £118.27 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.

Legal Member/Chair

\_\_\_\_\_

**7 March 2023**

**Date**