



Decision with Statement of Reasons 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/20/0492

Re: Property at 25 Albert Avenue, Grangemouth, FK3 9AT (“the Property”)

Parties:

Mr Ismail Ipek, 51 Southmarshall Street, Grangemouth, FK3 8LR (“the Applicant”)

Mrs Clair McIntosh, 117 Craigleith Road, Grangemouth, FK3 0AZ (“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 Applicant was entitled to an order for payment by the Respondent in the sum of £692.67 to be paid by way of instalments of £30.00 per month in terms of a Time to Pay Direction under the Debtors (Scotland) Act 1987.

Background

1. By application dated 6 February 2020 the Applicant applied to the Tribunal for an order for payment by the Respondent in respect of alleged rent arrears of £692.67 arising from the Respondent’s tenancy of property at 25 Albert Avenue, Grangemouth FK3 9AT.
2. The Applicant provided the Tribunal with a copy of a rent statement and bank statements in support of the application.
3. By Notice of Acceptance dated 25 February 2020 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion was assigned to take place on 7 April 2020.

4. Due to the Covid-19 outbreak the Case Management Discussion assigned for 7 April 2020 was postponed and a further Case Management Discussion assigned to take place on 14 July 2020.
5. By an undated Time to Pay Direction application received by the Tribunal on 16 March 2020 the Respondent admitted the claim and offered to make payment at the rate of £30.00 per month.
6. The Applicant submitted a response to the Time to Pay Direction application dated 17 March 2020 accepting the offer but due to the Tribunal office closing down as a result of the Covid-19 outbreak no action was taken.
7. Following the resumption of proceedings and a further Case Management Discussion being fixed the Applicant queried with the Tribunal administration the need for a Case Management Discussion given there had been an acceptance of the Respondent's offer.
8. The Tribunal having taken account of the application and supporting documents together with the Respondent's application for a Time to Pay Direction and the Applicant's response considered that having regard to such facts as were not disputed by the parties it was able to make sufficient findings to determine the case without the need for a hearing and that to do so would not be contrary to the interests of the parties all in terms of Rule 18 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the 2017 Rules"). The Tribunal therefore discharged the Case Management discussion assigned for 14 July 2020 and determined the proceedings without a hearing.

Findings in Fact

9. The Respondent leased the property at 25 Albert Avenue, Grangemouth from the Applicant.
10. The Respondent accrued rent arrears of £1352.67 at the date of leaving the property which she had reduced to £692.67 as at the date of the application to the Tribunal.
11. The Respondent submitted an application for a Time to Pay Direction under the Debtors (Scotland) Act 1987 admitting the debt and offering to pay at the rate of £30.00 per month.
12. By a Response to the application for a Time to Pay Direction dated 17 March 2020 the Applicant accepted the Respondent's offer.

Reasons for Decision

13. The Tribunal was satisfied from the documents provided by the Applicant and from the fact that the Respondent accepted liability for the debt in her

application for a Time to Pay Direction that the Respondent had accrued an outstanding debt in respect of rent due for the property in the sum of £692.67.

14. It was clear from the information provided by the Respondent in the application for a Time to Pay Direction that she had limited means. She was in receipt of Universal Credit and worked part-time. After payment of her regular outgoings she had very little surplus income. She would be unable to afford any more than the amount being offered each month. The Tribunal noted it would take the Respondent some 23 months to clear the debt. The Tribunal having taken account of the Respondent's position noted that the Applicant was prepared to accept the Respondent's offer. In the circumstances the Tribunal was therefore prepared to grant the Respondent's application and make a Time to Pay direction at the rate of £30.00 per month.

Decision

15. The Tribunal finds the Applicant entitled to an order for payment by the Respondent in the sum of £692.67 by way of instalments of £30.00 per month in terms of a Time to Pay Direction under the Debtors (Scotland) Act 1987.

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

26 June 2020
Date