



**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/20/2116**

**Re: Property at 15H St Andrews Walk, Kilmarnock, KA1 3HR (“the Property”)**

**Parties:**

**Mr Ross Mitchell, Flat 0/3, 2 Skene Close, Glasgow, G51 2AD (“the Applicant”)**

**Miss Ainsley Loudon (the First Respondent) , Mr Stephen Hall (“the Second  
Respondent”), 22 Forbes Place, Kilmarnock, KA3 7RH; 24 McLean Street, Ayr,  
KA8 9PB**

**Tribunal Members:**

**Shirley Evans (Legal Member)**

**Decision**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment in the sum of ONE THOUSAND THREE HUNDRED AND THIRTY FIVE POUNDS (£1335.00) STERLING jointly and severally against the Respondents with Time to Pay Directions. The order for payment will be issued to the Applicant after the expiry of 30 days mentioned below in the right of appeal section unless an application for recall, review or permission to appeal is lodged with the Tribunal by either Respondent.

**Background**

1. The Applicant applied to the First- tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) for an order for payment of rent arrears of £1445 under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”).
2. The application was accompanied by a copy of a Private Residential Tenancy between the parties signed and dated 29 November 2019 and a rent statement.

3. On 28 October 2020, the Tribunal enclosed a copy of the application and advised parties that a Case Management Discussion (“CMD”) under Rule 17 of the Regulations would proceed on 4 December 2020. In response, the First Respondent made an application to pay by way of monthly instalments of £30 per month. The Second Respondent made an application to pay by way of monthly instalments of £20 per month. The Applicant advised the Tribunal that he would accept both Time to Pay applications.

### **Case Management Discussion**

4. The Tribunal proceeded with the Case Management Discussion on 4 December 2020 by way of teleconference. All parties were in attendance.
5. The Tribunal wanted to clarify whether both Respondents were content for Time to Pay Directions being made for different monthly instalments. Mr Hall advised the Tribunal that he was willing to increase his offer to clear the arrears to £30 per month to match Ms Loudon’s offer.
6. The Applicant advised the Tribunal the First Respondent had already made 3 payments of £30 towards the arrears and that the sum outstanding was £1335. He was happy to accept the monthly payments proposed by the Respondents to clear these arrears.
7. Ms Loudon confirmed she was intent for a payment order for £1335 payable by her at the rate of £30 per month to be made. Mr Hall also confirmed he was intent for a payment order for £1335 payable by him at the rate of £30 per month to be made.

### **Reasons For Decision**

8. There was no dispute with regards to the facts that there were arrears of £1335. All parties were in agreement that the sum outstanding of £1335 be cleared by monthly instalments of £30 payable by each of the Respondents, making a total of £60 per month. The Tribunal on consideration of the applications for time to pay directions made and in light of Mr Hall’s offer to increase his monthly payment to £30 per month, was satisfied that it should grant an order with Time to Pay directions.

### **Decision**

9. The Tribunal accordingly granted a joint and several payment Order for £1335 and made time to pay directions under Section 1(1) of the Debtor’s (Scotland) Act 1987 all as set out in the Order.

## **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.

**Shirley Evans**

**4 December 2020**

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Legal Member

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Date