



**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/20/2386**

**Re: Property at 24 Clifford Street, Flat 2/3, Glasgow, G51 1NU (“the Property”)**

**Parties:**

**Alison Ramsay, C/O Happy Lets Ltd, 1287 Argyle Street, Glasgow, G3 8TL (“the Applicant”)**

**Mr Peter Cassidy, 24 Clifford Street, Flat 2/3, Glasgow, G51 1NU (“the Respondent”)**

**Tribunal Members:**

**Alison Kelly (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment in the amount of £3984.82, payable at the rate of £80 per month, should be made.**

**Background**

On 12<sup>th</sup> November 2020 the Applicant’s agent lodged an application with the Tribunal under Rule 111 of the First-tier Tribunal for Scotland (Housing and Property Chamber Rules of Procedure) 2017, (“the Rules”) seeking payment from the Respondent of the sum of £3,444.82, plus interest at the rate of 8% per annum, and associated costs, being a Landlord fee of £175 plus VAT = £210, for handling the application.

The Applicant lodged:-

1. Copy Tenancy Agreement
2. Rent Arrears Statement
3. Email correspondence between the Applicant's Agent and the Respondent

The application was served on the Respondent by Sheriff Officers on 18<sup>th</sup> December 2020.

On 6<sup>th</sup> January 2021 the Respondent lodged a Time to Pay Application offering to pay the sum sought at £500 per month.

On 22<sup>nd</sup> January 2021 the Applicant lodged a rejection of the Time to Pay Application stating that the income and expenditure provided by the Respondent showed that he did not have sufficient income to make the payment which he was proposing.

On 3<sup>rd</sup> February 2021 the Respondent sought an adjournment to allow him to seek advice. This was refused by the Tribunal. In his covering letter the Respondent said that his circumstances had changed since he lodged the Time To Pay Application. He no longer had alternative accommodation. He offered the sum of £600 per month, being £520 rent and £80 towards the arrears.

### **Case Management Discussion**

The Case Management Discussion ("CMD") took place by teleconference on 5<sup>th</sup> February 2021. The Applicant was represented by Amanda Currie from Happy Lets. The Respondent dialled in, but was represented by Jack Harrington of Living Rent, Glasgow.

Miss Currie said that the current arrears were £3984.82. The Tribunal noted that the sum mentioned in the application was £3444.82 and no application to amend that sum had been made. A short adjournment was granted to allow Mr Harrington to speak to Mr Cassidy regarding the sum outstanding.

The CMD reconvened. Mr Hannington said that the Respondent was prepared to accept that the amount outstanding was £3984.82. He said that the Respondent was objecting to the interest being sought and the sum in relation to charges. Miss Currie confirmed that the Applicant appreciated that the pandemic was difficult for everyone and was not seeking the interest or expenses.

Discussion was had about the Time To Pay Application. Mr Cassidy explained that his circumstances had changed since he lodged it, he no longer had alternative accommodation open to him. He was offering to pay the full amount of rent plus £80 per month towards the arrears. The Tribunal explained that they could only make an order in relation to arrears, ongoing rent was an obligation in terms of the lease.

Miss Currie's difficulty was that the Respondent's Income and Outgoings statement did not show sufficient free income to allow him to pay £80 per month. Mr Cassidy said that he was sure he could tweak his spending accordingly. He had recently entered in to a Trust Deed, which had reduced his monthly payments towards his debt. Miss Currie also said that the Respondent had made quite a few promises of payment but had not kept to them. The Applicant was looking for something solid that she could enforce if need be.

### **Findings in Fact**

1. The parties entered in to a lease in relation to the property;
2. The monthly rent is £520;
3. The current arrears are £3984.82.

### **Reasons for Decision**

The Respondent was sure that he could tweak his spending to allow him to pay the rent plus £80 per month towards the arrears. This seemed to be a reasonable sum in the circumstances. Should the Respondent fail to pay in terms of the Time To Pay Order the Applicant can enforce the payment 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.**

**Alison Kelly**

**5<sup>th</sup>February2021**

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**Legal Member/Chair**

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**Date**

