



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/CV/20/2466

Re: Property at 5 Edmond Terrace, Croftamie, Glasgow, G63 0ER (“the Property”)

Parties:

Mr Stewart Cameron, 46 Main Street, Drymen, Glasgow (“the Applicant”)

Ms Marjorie Berdon, 5 Edmond Terrace, Croftamie, Glasgow, G63 0ER (“the Respondent”)

Tribunal Members:

Paul Doyle (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be made.

Background

The Applicant sought an order for payment of rental arrears totalling £1,550.00. The Applicant had lodged with the Tribunal Form F. The documents produced were a Tenancy Agreement dated 10 April 2020, an exchange of emails and a calculation of rental arrears. A copy title sheet was lodged with the Tribunal which showed that the applicant is the heritable proprietor of the Property.

Case Management Discussion

A Case Management Discussion took place before the Tribunal by telephone conference at 2pm on 8 February 2021. Both parties were present. Neither party was represented.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Private Residential Tenancy Agreement for the Property dated 10 April 2020.
2. The initial rent in terms of the Tenancy Agreement was £650 per month.
3. In September 2020 the Respondent fell into arrears of rental. She missed payments of rental in November and December 2020. She only paid £200.00 towards the rental in January 2021 and she has not paid rental for February 2021. At today's date rent arrears of £2,650.00 have accumulated.
4. The respondent agrees that she owes the applicant £2,650. The applicant asks to amend the application to reflect the sum due of £2,650 in terms of Regulation 13 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. That application is not opposed. The application is amended so that the sum now sought is £2,650.
5. The respondent admits that she owes the applicant £2,650.00. She is currently dependant on benefits and seeks time to pay the sum due by instalments of £100 per calendar month. The respondent accepts that offer.

Reasons for the Decision

6. The Tribunal determined to make an Order for payment of £2,650. Rent was lawfully due in terms of clause 8 of the Tenancy Agreement at the rate of £650.00 per month. Rent arrears totalling £2,650.00 are admittedly due by the respondent to the applicant.
7. On the respondent's now unopposed motion, The First-tier Tribunal for Scotland (Housing and Property Chamber) made a time to pay direction under Section 1(1) of the Debtors (Scotland) Act 1987, in the following terms:

The respondent is required to pay the sum of One Hundred Pounds (£100.00) per calendar month until the full amount has been paid. The first payment must be made no later than 14 days after intimation of this Order.

Decision

For the foregoing reasons, the Tribunal determined to make an Order for payment subject to a time to pay direction under Section 1(1) of 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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

Paul Doyle

Legal Member

Date 8 February 2021