



**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/21/0250

**Re: Property at 63 Woodend Walk, Armadale, West Lothian, EH48 3QN (“the
Property”)**

Parties:

**Miss Kira McManus, 28 Morgan Way, Armadale, West Lothian, EH48 2JB (“the
Applicant”)**

**Miss Michelle 'Shelly' Stolarek, 7 Woodside Place, Bridgend, Linlithgow, EH49 6PF
 (“the Respondent”)**

Tribunal Members:

Alison Kelly (Legal Member) and Helen Barclay (Ordinary 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 in the amount of £4750 should
be made, payable at the rate of £150 per month.**

The Applicant lodged an application on the 1st February 2021 under Rule 111 of the
First Tier Tribunal for Scotland Housing and Property Chamber (Procedure)
Regulations 2017 (“the Rules”), seeking payment of rent arrears in the amount of
£4750.

Lodged with the application were:-

1. The Tenancy Agreement
2. Copy Text Messages
3. Rent Statement

On 12th April 2021 the Respondent lodged a Time To Pay Application. She offered to
pay at the rate of £50 per month.

On 15th April 2021 the Applicant lodged a rejection of the Time To Pay Application.

Case Management Discussion

The Case Management Discussion (“CMD”) took place by teleconference on 26th April 2021. The Applicant attended, with her supporter, Sharon Robertson. There was no attendance by the Respondent or any representative on her behalf.

The Applicant said she was looking for a payment in order in the amount of £4750. She would be happy with instalments to £200 per month, but did not think that £50 per month, as offered by the Respondent was acceptable.

The Tribunal considered that the offer of £50 per month was too low. It would take over 8 years to pay back the debt. The Respondent had not included her partner’s income in the Time To Pay Application. The Tribunal considered that the figures given by the Respondent for outgoings were high in relation to Sky TV, travel to work and school dinners. The Applicant was prepared to accept payment at £200 per month and the Tribunal considered this to be an affordable amount for the Respondent. An order was granted for the sum sought, to be paid at £200 per month.

On 10th May 2021 the Respondent applied for recall of the order. She stated that she did not know that she still needed to attend the CMD, and as a lay person that should have been made clear to her.

The Tribunal considered the request for recall and decided that it should have been made clear to the Respondent that the CMD would still take place, and recalled the order.

A fresh hearing was fixed for 19th August 2021 at 10am, by teleconference.

On 10th August 2021 the Respondent sent an email to the Tribunal seeking an adjournment due to work commitments. The Tribunal refused the request, and the Respondent was advised that she could lodge written submissions.

On 18th August 2021 the Respondent sent an email to the Tribunal offering to pay £150 per month.

Hearing

The Hearing took place by teleconference on 19th August 2021. The Applicant attended, with her mother, Sharon Robertson, in the background for support. The Respondent did not attend.

The Applicant confirmed that she had read the email sent by the Respondent and was willing to accept instalments of £150 per month, as offered by the Respondent, to bring matters to a conclusion.

Findings in Fact

1. The parties entered into a Tenancy Agreement in respect of the property;
2. The monthly rent was £500;
3. The Respondent had lodged a Time To Pay Application accepting the sum due;
4. The Respondent offered to pay at £150 per month;
5. This was a reasonable sum.

Reasons for Decision

The Applicant was prepared to accept the Respondent's offer of £150 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.

A. K

Legal Member/Chair

19th August 2021

Date