



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/21/0720

Re: Property at 11 Winton Place, Irvine, KA12 0SN (“the Property”)

Parties:

Mr Davinder Singh Summel, 10 Peirsland Place, Irvine, KA11 1QF (“the Applicant”)

Laura Tennant, 11 Winton Place, Irvine, KA12 0SN (“the Respondent”)

Tribunal Members:

Jim Bauld (Legal Member) and Helen Barclay (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order should be granted for payment in the sum of ONE THOUSAND POUNDS (£1,000) subject to 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 month until the full amount has been paid. The first payment must be made no later than 1 August 2021

Background

1. By application dated 22 March 2021, the applicant sought an order for payment under Section 71 of Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and in terms of rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.
2. On 31 March 2021 the application was accepted by the tribunal and referred for determination by the tribunal.

3. A Case Management Discussion (CMD) was set to take place on 26 February 2021 and appropriate intimation of that hearing was given to both parties

The Case Management Discussion

4. The Case Management Discussion (CMD) took place on 28 May 2021 via telephone case conference. The applicant took part in the telephone case conference and was represented by his solicitor, Ms Shannon Gaughan from Clarity Simplicity Ltd, 34 Woodlands Road Glasgow. The respondent also took part in the case conference.
5. The sum claimed in the application was £2316.46. It was the applicant's position that this sum reflected the rent arrears owed by the respondent. It was the applicant's position that this sum reflected the rent arrears owed by the respondent at the time of the lodging of the application.
6. Prior to the case management discussion the applicant's solicitor had lodged an up-to-date rent statement showing that arrears as at 1 May 2021 amounted to £2611.17.
7. The respondent did not accept that she owed the arrears as claimed by the applicant. It was clear to the tribunal that there was a dispute between the parties with regard to the amount owing and that this dispute could not be resolved at the case management discussion. Both parties indicated they wished to lodge additional documentation in respect of the case.
8. The tribunal decided that the case management discussion required to be adjourned and a new date of 25 June 2021 at 2 pm was fixed.

The continued Case Management Discussion

9. The continued CMD took place on 25 June 2021. The landlord was again represented by his solicitor Miss Gaughan and the respondent took part personally.
10. The parties indicated that the landlord had made an offer to the respondent that he would reduce the sum being claimed to £1000 on the basis that she agreed to pay that by instalments of £100 per month over a period of 10 months. The respondent confirmed she was in agreement with this proposal.
11. In the basis of the agreement reached by the parties, the tribunal confirmed that it would therefore make an order for payment of the agreed sum of £1000 and that it would also make a time to pay order requiring this to be paid by monthly instalments of £100 commencing on 1 August 2021. Parties confirmed they agreed to such an order being made.

Decision

The order for payment of the sum of £1,000 is granted 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.

Jim Bauld

25 June 2021

Legal Member/Chair

Date