

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) and Section 1 of the Debtors (Scotland) Act 1987 (“the 1987 Act”)

Chamber Ref: FTS/HPC/CV/21/1031

Re: Property at 3/1, 28 Heathcot Avenue, Drumchapel, Glasgow G15 8NU (“the Property”)

Parties:

Mr Michael Carroll residing at 21, Lisnamurrigan Road, Ballymena, County Antrim, BT42 4QG and Mrs Donna Carroll residing at 48, Caherty Road, Broughshane, County Antrim, BT42 4QA (“the Applicant”) per their representatives Clydebank Sales and Letting Agents, 48, Kilbowie Road, Clydebank G81 1TH (“the Applicant’s Agents”)

Miss Natalie Siller residing at the Property (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent’s Application for a Time to Pay Direction be granted and that an Order for payment of £2,050.00 be made and that at £250.00 per calendar month with the first payment to be made no later than 14 days after intimation of the Order.

Background

1. By application received between 30 April 2021 and 19 May 2021 (“the Application”), the Applicant’s Agents on behalf the Applicant, made an application to the Tribunal for a payment order in terms of Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) in respect of rent amounting to £2,050.00 due and owing to them by the Respondent. A copy of the private rented tenancy agreement between the parties showing a monthly rental of £450.00 and a rent statement showing arrears of £2,050.00 were lodged as part of the Application.
2. On 2 June 2021, a legal member of the Tribunal with delegated powers of the Chamber President accepted the Application and a Case Management Discussion (“CMD”) was arranged for 12 July 2021 at 11.30 by telephone conference call. The CMD was intimated to both Parties.

Time to Pay Direction

3. By email dated 10 June 2021, the Respondent, in the terms of Section 1 of the 1987 Act, applied for a Time to Pay Direction at the rate of £250.00 per calendar month. In doing so the Respondent admitted the debt. The application was intimated to the Applicant's Agents who accepted the offer on the Applicant's behalf.
4. The Tribunal had regard to the Application and the sum claimed, the Time to Pay Direction application and the response to it by the Applicant's Agents and considered that the sum offered was reasonable and affordable.

Findings in Fact

5. From the Application, the Tribunal found that a private rented tenancy agreement existed between the parties at a monthly rent of £450.00. From the Time to Pay Direction application the Tribunal found that rent arrears amounting to £2,050.00 have accrued and are due and owing to the Applicant by the Respondent and that a monthly instalment of £250.00 is reasonable.

Decision and Reasons for Decision

6. Having found that the sum of £2,050.00 is due and owing by the Respondent to the Applicant and having found that the Time to Pay Direction application is reasonable, Tribunal determined to grant the Order for payment of £2,050.00 by instalments of £250.00 per calendar month and that in terms of Section 1 of the 1987 Act.

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.

Karen Moore

Legal Member/Chair

Date 6 July 2021