



**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/21/1113

**Re: Property at 36 Auchmill Terrace, Bucksburn, Aberdeen, AB21 9LF (“the
Property”)**

Parties:

**Ms Sabrina Jane Taylor, Shannoch View, Little Newton, Old Rayne, Inch, AB52
6SE (“the Applicant”)**

**Mr Lee Anton W J Miles, Ms Jasmine Samantha Mathews, 2 Gaval Street,
Fetterangus, Aberdeen, Aberdeenshire, AB42 4HJ (“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 £1093.44,
payable in instalments of £50 per month, should be made.**

Background

The Applicant lodged an application on the 11th May 2021 under Rule 111 of the First
Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations
2017 (“the Rules”). The Applicant was seeking an order for payment of rent arrears in
the amount of £1093.44.

Lodged with the application were: -

1. Copy Tenancy Agreement
2. Rent Statement
3. Trace report

The papers were served on the Respondent by Sheriff Officer.

On 30th June 2021 the Respondent emailed the Tribunal asking for an adjournment. This was rejected by the Tribunal.

On 8th July 2021 a representative of the Respondent sent an email to the Tribunal attaching a payment plan. The representative was asked by the Tribunal to submit a Time To Pay Application (TTP).

The TTP was submitted to the Tribunal and copied to the Applicant's representative. The Applicant's representative lodged a rejection of the TTP.

Case Management Discussion

The case called for a Case Management Discussion ("CMD") by teleconference on 29th July 2021 at 2pm. The applicant was represented by Miss Stewart of Aberdine Considine, Solicitors. The Second Respondent, Miss Matthews represented both herself and the First Named Respondent.

The Chairperson introduced everyone and explained that the purpose of the CMD today was to determine if the Respondent's TTP application should be granted. She told the Second Named Respondent that she was not inclined to grant it given that it would take nine years to pay off the debt at the rate of £10 per month. She asked if there was any possibility of the offer being increased. The Second Named Respondent said that she could increase the offer to £50 per month.

Miss Stewart said that she was still opposed to an instalment order being granted in that amount as the arrears had been incurred pre covid, and that it would still take some time to pay off.

The Tribunal was satisfied, given the debt would be paid off within two years, that the increased offer of £50 per month was reasonable.

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

29/07/2021

Legal Member/Chair

Date

