



**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/21/1131

Property : 49 Fisher Avenue, Kilsyth, Glasgow G65 OLT ("Property")

Parties:

**Easilet Investments Limited, c/o 1-2-Let, 104 Bellgrove Street, Glasgow G31
1AA ("Applicant")**

1-2-Let, 104 Bellgrove Street, Glasgow G31 1AA ("Applicant's Representative")

Karen Boyle, 49 Fisher Avenue, Kilsyth, Glasgow G65 OLT ("Respondent")

Tribunal Members:

Joan Devine (Legal Member)

David Fotheringham (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) determined that an order for payment should be granted in favour of the Applicant in the sum of £3,650.

Background

The Applicant sought an order for payment of £4,175 in respect of arrears of rent as at 1 November 2021. The Applicant had lodged with the Tribunal Form F. The documents produced on behalf of the Applicant included a short assured tenancy dated 1 June 2015 between the Applicant, the Respondent and two other parties for the period 1 June 2015 to 2 June 2016 and, if not terminated, month to month thereafter ("Tenancy Agreement") and a statement of account.

A case management discussion took place before the Tribunal on 28 July 2021 and was continued to a Hearing on 11 October 2021. A summary of the discussions at the CMD and the Hearing are fully set out in the relevant notes. At the Hearing it was apparent that there was the possibility of an agreement being reached between the Applicant on the one part and the parties who had been the First and Second Respondents in the Application on the other that would result in their removal as

Respondents in the Application. The Tribunal also noted that Karen Boyle wished to submit an application for time to pay. The Hearing was therefore adjourned to 17 November 2021.

By email dated 13 October 2021 the Applicant's Representative asked that the First and Second Respondents be removed from the Application which was done. The Application proceeds in respect of the remaining Respondent, Karen Boyle.

Hearing on 17 November 2021

The Applicant was represented by Mike Pantony of the Applicant's Representative. The Respondent was in attendance.

The Applicant had lodged a statement of arrears on 1 November 2021 showing the sum claimed as at 1 November 2021 as being £4,175. The Tribunal noted that the obligation to pay rent in terms of the Tenancy Agreement was joint and several.

The Tribunal asked Mrs Boyle if she agreed that the sum due was as shown on the statement. She said that she had paid the rent of £425 plus £100 in early November. Mr Pantony confirmed that was the case and that the current arrears were £3,650.

Mrs Boyle said that she wished time to pay. She said that she worked as a chef. She said that she worked different shifts each day. The Tribunal asked why she had not completed an application for time to pay. She said that she had not received one. The Tribunal noted that the relevant form was served by sheriff officer along with the Application on 4 June 2021. Mrs Boyle said that she wished to pay the rent each month of £425 plus an additional £100. Mr Pantony said that was not acceptable to the Applicant as the rent had been paid erratically and they did not believe that Mrs Boyle would sustain the payments.

The Tribunal asked Mrs Boyle if she had sought advice regarding the arrears or investigated assistance such as the Tenant Grant Fund. She said that she had not. She said that the hours she worked were such that she was always working when organisations such as Citizens Advice were open. The Tribunal asked if she had looked at their website. She said that she had not. The Tribunal also referred to the Tenant Hardship Loan and urged Mrs Boyle to look into such possible sources of assistance.

Mr Pantony said that matters had been going on for too long. He questioned Mrs Boyle's statement that she had no opportunity at all to seek advice from an organisation like Citizens Advice. Mrs Boyle said that she could not afford to pay £3,650 and wished time to pay. The Tribunal explained that the time to pay application form required her to provide details of her income and outgoings and asked if she could give an indication of that to the Tribunal. She said that she was not prepared to discuss such details on the telephone.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into the Tenancy Agreement which commenced on 1 June 2015.
2. The Tenancy Agreement stated that where there was a joint tenancy the responsibilities set out in the Tenancy Agreement applied to each Tenant jointly and severally.
3. The rent in terms of the Tenancy Agreement was £425 per month.
4. The Respondent had failed to make payment in full of the rent due for the period 1 June 2020 to 1 November 2021.

Reasons for the Decision

The Tribunal determined to grant an order for payment of £3,650. The Application had been served on 4 June 2021. There had been a Case Management Discussion and a Hearing. Two Directions had been issued in which the Respondent was directed to make an application for time to pay, if so advised but she had not done so. Although the Respondent expressed the desire to pay the rent as it fell due plus an additional £100 per month, the Tribunal note that the rent that fell due on 1 August, September and October 2021 had not been paid. In all of the circumstances the Tribunal determined to make an order for payment.

Decision

The Tribunal grants an order for payment of £3,650 in favour of the Applicant.

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.

J Devine

Joan Devine
Legal Member

17 November 2021
Date