



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber)**

**Chamber Ref: FTS/HPC/CV/21/1386**

**Re: Property at Mains of Drummond Farmhouse, Crieff PH7 4JA (“the Property”)**

**Parties:**

**Ancaster Estates, Estate Office, Muthill, Crieff PH7 4JB (“the Applicant”)**

**Russell Wallace and Leanne Wallace, residing at The Caravan, Calziebohalzie, Doune, FK16 6HG (“the Respondent”)**

**Tribunal Members:**

**Paul Doyle (Legal Member)**

**Decision (in absence of all parties)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be made.**

**Background**

The Applicant sought an order for payment of rental arrears totalling £3,295.89. The Applicant had lodged with the Tribunal Form F. The documents produced were a Tenancy Agreement dated 10 April 2020, bank statements and a calculation of rental arrears. A copy title sheet was lodged with the Tribunal which showed that the applicant is the heritable proprietor of the Property.

**Case Management Discussion**

A Case Management Discussion took place before the Tribunal by telephone conference at 11.30am on 2 August 2021. None of the parties were present, nor were they represented, but the respondents admit that the sums applied for are due to the applicants and lodged a time to pay application on 20 July 2021, which the applicant accepted on 26 July 2021.

## **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Private Residential Tenancy Agreement for the Property dated 3 August 2018. The tenancy ended on 18 January 2021
2. The initial rent in terms of the Tenancy Agreement was £750 per month.
3. In September 2020 the Respondent fell into arrears of rental. Between 6 September 2020 and 18 January 2021 the respondents missed payments of rental. When the tenancy ended on 18 January 2021 rent arrears of £3,295.89 had accumulated.
4. The respondents agree that they owe the applicant £3,295.89 and seek time to pay the sum due by instalments of £40 per week. The applicant accepts that offer.

## **Reasons for the Decision**

5. The Tribunal determined to make an Order for payment of £3,295.89. Rent was lawfully due in terms of clause 8 of the Tenancy Agreement at the rate of £750.00 per month. Rent arrears totalling £3,295.89 are admittedly due by the respondents to the applicant.
6. On the respondents' unopposed motion, The First-tier Tribunal for Scotland (Housing and Property Chamber) made a time to pay direction under Section 1(1) of the Debtors (Scotland) Act 1987, in the following terms:

The respondents are required to pay the sum of Forty Pounds (£40.00) per week until the full amount has been paid. The first payment must be made no later than 14 days after intimation of this Order.

## **Decision**

For the foregoing reasons, the Tribunal determined to make an Order for payment 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.**

**Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.**

---

**Legal Member**

**Date 2 August 2021**