



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.

Chamber Ref: FTS/HPC/CV/21/2607

Re: Property at Flat 2, 4 Mansionhouse Court, Glasgow, G41 3DD (“the Property”)

Parties:

Miss Emma O'Hara, c/o Flat 3/2, 61 Terregles Crescent, Glasgow, Pollokshields, G41 4RL (“the Applicant”)

Mr John Scanlon, 90 Drakemire Drive, Glasgow, Lanarkshire, G45 9SA (“the Respondent”)

Tribunal Members:

David Preston (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondent will pay to the applicant the sum of FIVE THOUSAND FOUR HUNDRED AND EIGHTY SIX POUNDS and 67 pence (£5486.67) in terms of the time to pay direction.

1. This was a second Case Management Discussion (CMD) in respect of an application dated 21 October 2021 by the applicant which sought to recover from the respondent the sum of £6786.67 being arrears of rent which had accrued under the Private Residential Tenancy Agreement between the parties dated 19 August 2019.
2. The application was accompanied by: Private Residential Tenancy Agreement dated 19 August 2019; sundry correspondence between the parties and the applicant's former letting agents, Gardiner Waters, Property Management; Rent Ledger Statement covering the period January 2022 to September 2021 showing arrears amounting to £6786.67; various redacted Bank Statements.

3. A Case Management Discussion (CMD) took place on 22 December 2021 following upon which a CMD Note and Direction of that date were issued to the parties.
4. The Direction required the applicant to specify the amount of the deposit to be deducted from any sums due by the respondent and to provide vouching for any costs which are said to have been paid by her using the deposit. The respondent was given the opportunity to submit an application a Time to Pay D|irection for consideration by the applicant and the tribunal.
5. By application dated 23 December 2021 the respondent sought a time to pay direction on the basis that he admitted the claim, subject to the final amount to be determined. He offered payment at the rate of £50 – £70 per month and provided his financial information.
6. By email dated 21 January 2020 in response to the Direction the applicant submitted further redacted bank statements and confirmed that she had received £893 being the balance of the deposit after payment for a gas safety certificate. She acknowledged that the respondent had paid the deposit in full of £1100 at the commencement of the tenancy agreement and also conceded that the cost of the gas safety certificate should properly have been born by her. She consequently accepted that the deposit of £1100 fell to be deducted from the total arrears sought in the application, leaving a balance of £5486.67.
7. The respondent confirmed that he admitted that the sum was due and advised that he was in a position to pay at the rate of £50 per month but may be able to increase that sum periodically. The applicant confirmed that she had received a copy of the time to pay application and had considered the situation as disclosed therein. She confirmed that she accepted payment at the rate of £50 per month.
8. In light of the admission by the respondent of the sum sought under deduction of the deposit resulting in a balance of £5486.67, and the applicant's agreement to accept payment at the rate of £50 per month, the tribunal agreed to grant an Order in that sum in terms of the Time to Pay Direction.

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.