



**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/21/2642

**Re: Property at 36B Castleton Court, Castleton Drive, Newton Mearns, Glasgow,
G77 5LF (“the Property”)**

Parties:

**Mrs Karen Kirkland Salaoudji, 8068 Canyon Lake Circle, Orlando 32835, Florida
USA (“the Applicant”)**

**Mrs Linda Gillies, 21 McKay Court, Anderson Drive, Newton Mearns, Glasgow
G77 6GU (“the Respondent”)**

Tribunal Members:

Rory Cowan (Legal Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the application for Time to Pay should be refused
and a Payment Order in the sum of £5,850 should be granted against the
Respondent.**

- Background

By application dated 4 October 2021, the Applicant sought a Payment Order against the Respondent in the sum of £3,650 by way of rent arrears (the Application).

In support of the Application, the Applicant lodged:

- 1) Copy Lease dated 21 December 2015;
- 2) Rent Statement as at 1 October 2021;
- 3) Excerpt bank statements.

A further rent statement was received on 22 November 2021 along with redacted bank statements.

Following acceptance of the Application, a Case Management Discussion (CMD) was fixed for 28 January 2022 and the Application was intimated on the Respondent. In response, the Respondent lodged an application for time to pay dated 6 January 2022 and the Applicant responded to same rejecting the offer of time to pay on 18 January 2022. At the CMD the Applicant was represented by a Mr Gormley and the Respondent failed to attend albeit she had earlier sought a postponement of the CMD. On behalf of the Applicant, it was indicated that the rent arrears had increased and a continuation of the CMD was sought to allow an amendment application to be lodged. A Direction was also issued to clarify the Respondent's financial position.

A fresh CMD was fixed for 10 March 2022. In advance of same, the Applicant intimated an amendment application dated 7 February 2022 seeking to increase the arrears claim to £5,850 and the Respondent lodged documents to answer the Direction issued as well as narrating her financial position in detail by email dated 25 February 2022.

- The Case Management Discussion

The CMD on 10 March 2022 proceeded by way of conference call. The Applicant was again represented by Mr Gormley and the Respondent appeared and represented herself. The Respondent confirmed that she had vacated the Property on 7 February 2022 and now resided at 21 McKay Court, Anderson Drive, Newton Mearns G77 6GU. It was explained that the Applicant sought rent up to and including the end of February 2022 and the Respondent agreed that, in terms of the lease dated 21 December 2015, she was due to pay rent up to and including 28 February 2022. Mr Gormley sought to amend the sum sought to £5,850 and the sum sought was amended accordingly.

The Respondent indicated that, notwithstanding the increased sum, she was maintaining her offer to repay the arrears at the rate of £100 per month. She indicated that she could only afford to do this with the assistance of her family. In response, Mr Gormley indicated that this sum was not acceptable and after some protracted discussion indicated that he would be prepared to accept £150 per month. The Respondent indicated that she could not afford to pay that and, as such, Mr Gormley confirmed the offer was rejected.

It was noted that, in the Application, there was reference to "sheriff officer fees, and any other expenses that may occur". Despite this, there were no details of any sums attributable to these heads produced and no reference to any provision in the lease that might entitle the Applicant to make such a claim. As such, Mr Gormley indicated that he was content with a Payment Order in the sum claimed by way of rent arrears only (as amended).

- Findings in Fact

- 1) The Applicant entered into a lease with the Respondent for the Property which commenced on or around 1 January 2016.
- 2) The rent due under the lease was £550 per calendar month.
- 3) The Respondent vacated the Property on or around 7 February 2022 leaving arrears of rent amounting to £5,850 due to the end of February 2022.

4) The Applicant is entitled to a Payment Order against the Respondent in the sum of £5,850.

- Reasons for Decision

The Respondent having failed to pay the rent due under the tenancy for the Property and has accrued arrears of rent in the sum of £5,850. The said increased arrears were accepted by the Respondent as being due at the CMD on 10 March 2022. In relation to the application for Time To Pay, the Tribunal refused the application. The sum sought (as amended) was £5,850. The offer of £100 per month would take nearly 5 years to repay the debt. This is not a reasonable period over which to expect the Applicant to wait for repayment. It is understood that, notwithstanding that the application for Time to Pay was refused, Mr Gormley would seek to discuss a repayment plan with the Respondent and the parties are encouraged to engage with each other with a view to doing so.

- Decision

A Payment Order in the sum of £5,850 was granted in favour of the Applicant against the Respondent.

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.

R Cowan

Legal Member/Chair

_____ 10 March 2022 _____
Date