



**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/22/0561

Re: Property at 0/2 70 Keal Ave, Blairdardie, Glasgow, G15 6NX (“the Property”)

Parties:

John B Murdoch, Glenashdale, South Campbell Rd, Innellan, PA23 7SL (“the Applicant”)

**(FIRST) Ms Shannon Moroney, 2 Hillhouse Road, Hamilton, ML3 9TB, and
(SECOND) Mr Stephen Arbuthnot; 2/1 2370 Dumbarton Road, Yoker, Glasgow,
G14 0QL (“the Respondent”)**

Tribunal Members:

Andrew Upton (Legal Member)

Decision (in absence of the Second named Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that (i) the Respondents are liable to make payment to the Applicant in the sum of NINE HUNDRED AND NINETY TWO POUNDS AND THIRTY FIVE PENCE (£992.35) STERLING, and (ii) that a Time to Pay Direction should be made for the First named Respondent to pay FORTY POUNDS (£40.00) STERLING per month under the full amount has been paid.

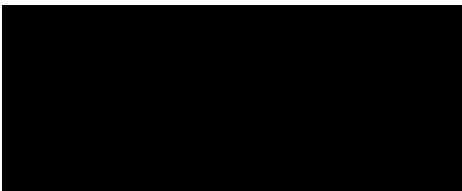
STATEMENT OF REASONS

1. This Application called for its Case Management Discussion by teleconference call on 16 May 2022. The Applicant and First Named Respondent were present on the call. The Second Named Respondent was neither present nor represented.
2. In this Application, the Applicant seeks payment from the Respondents of £992.35, which he contends are due to him as rent arrears under and in terms of a Private Residential Tenancy.

3. In advance of the CMD, the First Named Respondent submitted an application for Time to Pay under section 1(1) of the Debtors (Scotland) Act 1987. In terms thereof, the First Named Respondent accepted liability to make payment of the sum claimed for, and sought time to pay her liability at a rate of £40 per month. The Applicant accepted that Time to Pay Application. Accordingly, at the CMD, the Tribunal granted the Time to Pay Application and found the First Named Respondent liable to make payment to the Applicant in the sum of £992.35 at a rate of £40 per month. The first payment will fall to be made within four weeks of intimation of the order.
4. At the CMD, the Applicant also invited the Tribunal to grant an open order for payment against the Second Named Respondent. The Respondents were joint tenants. The Respondents are jointly and severally liable for to the Applicant for the rent due under the tenancy agreement.
5. In terms of Rule 17(4) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), the Tribunal may do anything at a CMD that it may do at a Hearing, including make a Decision. In terms of Rule 2, the Tribunal is required to have regard to the overriding objective to deal with proceedings justly when making a decision; including the need to avoid unnecessary delay.
6. The Second Named Respondent has received service of the Application and notice of the CMD. He has chosen not to attend the CMD to dispute the allegations made against him in the Application. The Tribunal considers that the allegations made in the Application are therefore not in dispute. That being the case, the Tribunal is satisfied that the Respondents are jointly and severally liable to the Applicant for the sum claimed, and that an open order for payment should be granted against the Second Named 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.



16th May 2022

Legal Member/Chair

Date

