



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/22/1939

Property: 19 Barra Lane, Irvine, Ayrshire KA11 1DA (“the Property”)

Parties: Easton Property Ltd, 2 Newfield Drive, Dundonald, Ayrshire KA2 9EW (“the Applicant”)

Ms Isabel Sim, 19 Barra Lane, Irvine, Ayrshire KA11 1DA (“the Respondent”)

Tribunal Member:

Mark Thorley (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) determined that an order for payment by the respondent to the applicant in the sum of ONE THOUSAND EIGHT HUNDRED AND SIXTY POUNDS (£1,860) be made together with a time to pay direction in the sum of TWO HUNDRED POUNDS (£200.00) per month commencing on 22 January 2023.

Background

1. The applicant applied to the First-tier Tribunal for Scotland (Housing and Property Chamber) (the “tribunal”) by application dated 20 June 2022. Accompanying the application was a copy of the Tenancy Agreement and a copy of the tenant’s Rents Statement. The sum sought was set out as £1,860 as at 15 June 2022.
2. The application was received by the tribunal on 21 June 2022. On 4 July 2022 the tribunal confirmed that the application was accepted for determination.
3. On 17 November 2022 intimation of the case management discussion was set down for 22 December 2022. Intimation was then given to the parties.
4. An application for a time to pay direction was made by the respondent and dated 19 November 2022. The applicant acknowledged the debt due and sought to make a payment in a sum of £200 per month.
5. Subsequently paperwork was received from the applicant accepting this.

Case Management Discussion

6. At the case management discussion Ms Barclay appeared for the applicant and Ms Sim the respondent attended. It was noted that the time to pay application was accepted by the applicant.

Findings in fact

7. The parties entered into a contract for the respondent to rent the property at 19 Barra Lane, Irvine KA11 1DA with a monthly rental of £510 per month commencing on 12 August 2019.
8. At 15 June 2019 the applicant was in arrears of rent to the extent of £1,860.

Reasons for decision

9. The applicant accepted that she was in rent arrears. In fact the rent arrears had increased from the time of the application. No amendment had been sought.
10. The only issue for the tribunal was the time to pay application. The applicant was due to be paying by way of agreement £70 per month as an additional sum to her rent. She sought to increase that to the sum of £200 per month. That was accepted by the respondent.

Decision

11. To make an order for payment by the respondent to the applicant of the sum of ONE THOUSAND EIGHT HUNDRED AND SIXTY POUNDS (£1,860) with time to pay at the rate of TWO HUNDRED POUNDS (£200.00) per month with the first payment on 22 January 2023.

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.

Mark Thorley

Legal Member/Chair:

Date: 22 December 2022