



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/22/2408

Re: Property at 9 Dinard Drive, Giffnock, G46 6AH (“the Property”)

Parties:

Ms Nicole Toppin, Meade Apartment, Horsepath, Road Town, Tortola, VG1110, Virgin Islands (British) (“the Applicant”)

Mr Julian Robert Clayton, 9 Dinard Drive, Giffnock, G46 6AH (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that that the Applicant is entitled to an order for payment for £6200 (SIX THOUSAND TWO HUNDRED POUNDS) paid at instalments of £300 (THREE HUNDRED POUNDS) per month from 4th March 2023 as per the Time To Pay Direction.

Background

1. An application was received by the Housing and Property Chamber dated 20th July 2022. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not adhering to rent payments.
2. On 7th October 2022, all parties were written to with the date for the Case Management Discussion (“CMD”) of 23rd November 2022 at 10am by teleconferencing. The letter also requested all written representations be submitted by 7th November 2022.

3. On 18th October 2022, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 18th October 2022.
4. A CMD was held on 23rd November 2022 at 10am by teleconferencing. The Applicant was not present but was represented by Ms Claire Mullen, solicitor, TC Young. The Respondent was present. He was represented by Ms Rona McLeod, solicitor, LSA. Ms Rachel Scott, trainee solicitor, LSA was observing. The case was continued to allow negotiations to continue between parties. In particular for payments for rent plus £300 per month to be paid and for a Time To Pay Direction to be considered by the Respondent.
5. The case was conjoined with case FTS/HPC/EV/22/2410.

The Case Management Discussion

6. A CMD was held on 10th February 2023 at 10am by teleconferencing. The Applicant was not present but was represented by Ms Claire Mullen, solicitor, TC Young. The Respondent was present. He was represented by Ms Rona McLeod, solicitor, LSA. Ms Fiona Anderson, LSA, was observing.
7. A submission with a Time To Pay Direction was lodged with the Housing and Property Chamber in the afternoon on 9th February 2023. This was crossed to the Applicant. Ms Mullen confirmed that she was able to accept the amount of £300 per month noting that it had been paid since the last CMD on 23rd November 2022. The arrears now are £6200. The Respondent confirmed that he will keep paying at this amount until the arrears have been fully paid. He pays the £300 on the 4th of each month along with the rent payment.
8. The Tribunal was satisfied that it was appropriate to grant an Order in terms of the Time to pay Direction.

Findings and reason for decision

9. A Private Rented Tenancy Agreement commenced 4th July 2019.
10. The Respondent persistently failed to pay his rent charge which has caused him to be in rent arrears.
11. A Time To Pay Direction was been lodged by the Respondent with an offer to pay £300 per month which was accepted by the Applicant.
12. Since the last CMD on 23rd November 2022, the Respondent has been paying his rent charge plus £300 per month. He has made these payments on the 4th of each month.

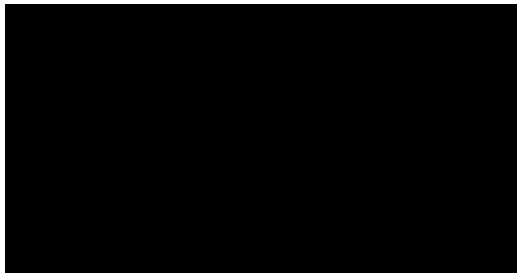
13. The arrears sought total £6200 which is less than the amount which was detailed in the application, namely £7100.

Decision

14. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £6200 to be paid in instalments of £300 per month on the 4th day of each month as per 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.



Legal Member/Chair

10th February 2023

Date