



**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/22/2386**

**Re: Property at 7 Chalkhill Court, Dundee, DD4 0LU (“the Property”)**

**Parties:**

**Mrs Vicki Etchels, Sierra Golf Urb, 236 Calle Lorca, Jeronimo Y Avileses, Murcia,  
30592, Spain (“the Applicant”)**

**Miss Samantha Scullion, 7 Chalkhill Court, Dundee, DD4 0LU (“the  
Respondent”)**

**Ms H Forbes (Legal Member) and Mr A Khan (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that an order for payment should be granted in the sum  
of £3690 with interest thereon at the rate of 8% per annum from the date of  
granting the order. A time to pay direction is made requiring the Respondent to  
pay the sum of £50 per month until the debt is paid.**

**Background**

1. This is an application received on 19<sup>th</sup> July 2022 and made in terms of Rule 70 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (‘the Rules’). The Applicant is the landlord of the Property, and the Respondent is the tenant, in terms of a short assured tenancy agreement that commenced on 8<sup>th</sup> May 2017 enduring until 9<sup>th</sup> November 2017, and monthly thereafter, at an initial rent of £425 per month.
2. The Applicant’s representative lodged a copy of the short assured tenancy agreement, a rent statement and rent increase correspondence, indicating that the current rent is £500 per month.
3. By email dated 3<sup>rd</sup> October 2022, the Applicant’s representative applied to increase the sum sought from £2240 to £3470.

## **The Case Management Discussion**

4. A Case Management Discussion took place by telephone conference on 24<sup>th</sup> October 2022. The Applicant was not in attendance and was represented by Ms Kirstie Donnelly, Solicitor. The Respondent was in attendance.
5. Ms Donnelly moved the Tribunal to grant a payment order in the sum of £3690, as one payment of £50 has been made by the Respondent. Agreement has been reached between the parties that the arrears will be paid by instalments of £50 per month. The Applicant is content for a time to pay direction to be granted in that sum, notwithstanding that it will take over six years for the debt to clear. Ms Donnelly asked the Tribunal to grant interest at the rate of 8% per annum, as provided for at clause 3 of the tenancy agreement.
6. The Respondent confirmed that the arrears are outstanding and that she had reached agreement to pay £50 per month. She has had her hours at work reduced and this has impacted on her ability to pay rent. She will also be allowing her deposit to go towards the rent arrears when the tenancy is brought to an end by the order for possession granted in a conjoined application heard on the same date.
7. The Tribunal adjourned to consider its decision. The Tribunal decided to grant the order for payment in the sum sought. Having considered the matters set out in section 1A of the Debtors (Scotland) Act 1987 ("the 1987 Act"), the Tribunal decided to grant a time to pay direction.

## **Findings in Fact and Law**

8.
  - (i) Parties entered into a short assured tenancy agreement in respect of the Property that commenced on 8<sup>th</sup> May 2017 enduring until 9<sup>th</sup> November 2017, and monthly thereafter with an initial rent per month of £425.
  - (ii) The rent increased to £440 per month in or around August 2021.
  - (iii) The rent increased to £500 per month on 1<sup>st</sup> May 2022.
  - (iv) Rent lawfully due in terms of the tenancy agreement has not been paid by the Respondent.
  - (v) The Applicant is entitled to recover rent lawfully due.
  - (vi) In terms of the tenancy agreement, interest is due on outstanding rental payments at the rate of 8% per annum.

- (vii) It is reasonable to grant a time to pay direction in the sum of £50 per month.

### **Reasons for Decision**

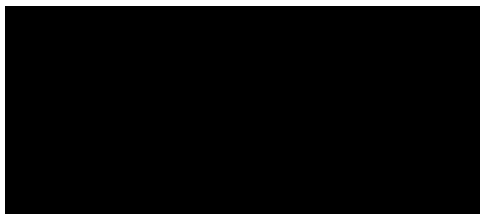
9. The Respondent has failed to make payment of rent lawfully due. The Applicant is entitled to recover rent lawfully due in terms of the tenancy agreement between the parties, with interest thereon at the rate of 8% per annum as provided for at clause 3 of the tenancy agreement.
10. Having considered the matters set out in the 1987 Act, the Tribunal took into account the fact that the debt would take over six years to clear. This would not normally be an acceptable position, however, the Tribunal noted that the Applicant, having taken legal advice on the matter, was content, given the Respondent's circumstances, to agree to the proposal.

### **Decision**

11. An order for payment is granted in favour of the Applicant in the sum of £3690 with interest thereon at the contractual rate of 8% per annum from the date of making the decision.
12. A time to pay direction is made requiring the Respondent to pay the sum of £50 per month until the full amount has been paid.

### **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**

**24<sup>th</sup> October 2022**  
**Date**

