



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017

Chamber Ref: FTS/HPC/CV/21/1435

Re: Property at 113 Gleneagles Avenue, Dundee, DD2 3GH (“the Property”)

Parties:

Northwood Dundee, 2 Panmure Street, Dundee, DD1 2BW (“the Applicant”)

Ms Amanda Harper, Mr William Jeffrey, 113 Gleneagles Avenue, Dundee, DD2 3GH (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member) and Frances Wood (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent(s) for payment of the sum of EIGHT HUNDRED POUNDS (£800) STERLING to the Applicant(s).

The First-tier Tribunal for Scotland (Housing and Property Chamber) made a time to pay direction under Section 1(1) of the Debtors (Scotland) Act 1987, in the following terms:

The respondent is required to pay the sum of ONE HUNDRED POUNDS (£100) STERLING per week until the full amount has been paid. The first payment must be made no later than 14 days after intimation of the Order.

- Background
- 1. An application dated 14 June 2021 was submitted to the Tribunal under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules

of Procedure 2017 (“the Rules”), seeking a payment order against the Respondent in relation to rent arrears accrued under a private residential tenancy agreement.

- The Case Management Discussion
2. A Case Management Discussion (“CMD”) took place on 9 August 2021 by way of tele-conference. The CMD was continued to a further CMD on 21 September 2021 to allow the Respondents to make a Time to Pay application in respect of the arrears sought, and for further payments to be made by the Respondents meantime.
 3. A further CMD took place on 21 September by way of tele-conference. The Applicant was represented by Mr Runciman of Gilson Gray, solicitors. The Respondents were personally present and represented by Ms Horsman of Dundee Law Centre. The Respondents had lodged a Time to Pay Application prior to the CMD, seeking repayment of the arrears at the rate of £100 per week. After some discussion, and an adjournment for instructions to be taken from the Applicant, it was agreed between the parties that an Order should be granted in the sum of £800 being the outstanding arrears, repayable at the rate of £100 per week.
 4. It was confirmed by the Applicant that it had been agreed between the parties that ongoing rent would be payable at a daily rate of £26.66 and that the Respondents’ notice period would be waived so that they could leave the Property just as soon as alternative accommodation had been found.
- Decision
5. Following agreement between the parties, the Tribunal determined that an order is granted against the Respondent(s) for payment of the sum of EIGHT HUNDRED POUNDS (£800) STERLING to the Applicant(s).

The First-tier Tribunal for Scotland (Housing and Property Chamber) made a time to pay direction under Section 1(1) of the Debtors (Scotland) Act 1987, in the following terms:

The respondent(s) is required to pay the sum of ONE HUNDRED POUNDS (£100) STERLING per week until the full amount has been paid. The first payment must be made no later than 14 days after intimation of the Order.

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.


Fiona Watson

Legal Member/Chair

Date: 21 September 2021