



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/22/1450

Re: Property at 34 Winter Place, Carnoustie, DD7 6BR (“the Property”)

Parties:

Mrs Sandra Douglass, 44 Reid Park Road, Newcastle, NE2 2ES (“the Applicant”)

Mr Brian Ross and Mrs Sandie Ross, 17 Greenlaw Place, Carnoustie, DD7 7NG (“the Respondents”)

Tribunal Members:

David Preston (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order should be made against the respondents for payment to the applicant of the sum of FOUR THOUSAND NINE HUNDRED AND FIVE POUNDS (£4905).

1. This Case Management Discussion (CMD) concerned an Application in relation to Civil Proceedings in connection with a Private Residential Tenancy under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016. The CMD took place by teleconference.
2. Service of the proceedings and intimation of the Case Management Discussion (CMD) was effected upon the respondents by Sheriff Officers on 2 September 2022 conform to Certificate of Intimation.
3. There was no appearance by or on behalf of either party at the CMD the start of which was delayed until 14:10.

4. Following service of the proceedings on the respondents, the first named respondent submitted an application for Time to Pay dated 2 September 2022. In terms of which he confirmed his admission of liability for the claim. The application contains financial information regarding the income and expenditure but did not advise whether it represented joint income.
5. By email dated 27 September 2022 the first named respondent was asked to confirm whether he represented the second named respondent and also to confirm whether the financial information provided referred to joint income. No response to that email was received by the tribunal prior to the CMD.
6. On 14 September 2022 the applicant submitted representations in respect of the financial information which had been provided by the first named respondent.
7. The Time to Pay application of payment at the rate of £100 per month and disclosed that the expenditure included £150 per month for Sky TV and taxi fees at a rate of £400 per month in addition to travel costs of £180 per month with no explanation of the reason for those taxi fees. In the absence of the respondents tribunal was unable to obtain any explanation
8. The tribunal was satisfied that service of the application and intimation of the CMD had been duly made on both respondents and that the second named respondent had voluntarily waived her right to attend or be represented at the CMD and in the absence of confirmation as to whether her finances were included in the application the tribunal determined that the application for Time to Pay be refused and the order granted in full.

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.