



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

Chamber Ref: FTS/HPC/CV/21/0978

Re: Property at Flat 30 Chesterfield Court, 12 Dorchester Place, Glasgow, G12 0BW (“the Property”)

Parties:

Ms Montague Ashley-Craig, Flat 3, 345A Mare Street, London, E8 3RH (“the Applicant”)

Mr Matthew Dent, Mrs Yanisa Dent, Flat 30 Chesterfield Court, 12 Dorchester Place, Glasgow, G12 0BW (“the Respondents”)

Tribunal Members:

Susan Christie (Legal Member)

Decision, in absence of the Second Named Respondent

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the Respondents to the Applicant of the sum of £2,550.07 be made, with a time to pay direction as detailed in the order.

Background

1. The application for payment under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 was made on 22 April 2021. It was accepted by the tribunal on 29 April 2021.
2. Written submissions were due to be lodged by the Respondents by 3 June 2021. None were lodged.
3. A time to pay application was submitted by the First Named Respondent along with an accompanying letter explaining his personal circumstances. The offer of payment within 6 weeks made in the application was not accepted by the Applicant.

Case Management Discussion

4. The Applicant and the First Named Respondent participated in the conference call. It was explained that the Second Named Respondent would not be joining in, and she was still abroad. I proceeded in her absence as I was satisfied the papers had been served by Sheriff Officers, she had received intimation of the application.
5. The detail of the time to pay application along with the offer for payment made was discussed along with the objections.
6. It became apparent on explaining the possible options with the parties present that there was room for agreement.
7. An updated Rent Schedule was submitted during a short adjournment and accepted late, of consent. The content of that showed that a further rent payment due on 3 June 2021 had been added bringing the sum due by way of rent arrears to £2,550.07.
8. Payments of rent were ordinarily paid around the 26th of the month by the Respondents from the First Named Respondent's wages. This date change had been agreed at an earlier time.
9. The First Respondent accepted that the sum due by them by way of arrears of rent is currently £2,550.07 and accepted an order could be made today in that sum.
10. An agreement was reached between the Parties present, whereby the First Named Respondent is required to pay the sum of £775 on 25 June 2021 and then £387.50 per calendar month from 26 July 2021 until the full amount has been paid. The first payment must be made no later than 25 June 2021 after intimation of the Order.
11. It is expected that the full sum due and owing will be cleared sooner than August as the First Named Respondent is expecting an inheritance to be paid to him shortly.

Findings in Fact

- I. The Parties entered into a Private Residential Tenancy Agreement over the property with a start date of 3 October 2018.
- II. The contractual rent due is £775 per calendar month to be paid in advance on the 3rd of every month by the Respondents.
- III. The Private Residential Tenancy is ongoing.
- IV. The rent arrears due and owing today is £2,550.07, including the rent applied on 3 June 2021.
- V. The First Named Respondent has applied for time to pay, and the Applicant has agreed.
- VI. The First Named Respondent is required to pay the sum of £775 on 25 June 2021 and then £387.50 per calendar month from 26 July 2021 until the full amount has been paid. The first payment must be made no later than 25 June 2021 after intimation of the Order.
- VII. An order for payment of £2,550.07 by the Respondents to the Applicant is made with a time to pay direction.

Reasons for Decision & Decision

I had regard to the oral submissions by the Parties present and discussed the terms of the tenancy agreement, the rent schedules produced and the time to pay application along with the objections and considered the personal circumstances of the Respondents. After discussion, it was clear that both Parties were prepared to reach an agreement for a time to pay on modified terms to allow the matter to be disposed of today, this was their preference. The First Named Respondent is required to pay the sum of £775 on 25 June 2021 and then £387.50 per calendar month from 26 July 2021 until the full amount has been paid. The first payment must be made no later than 25 June 2021 after intimation of this Order. As the First Respondent is expected to receive an inheritance shortly out of which he has offered to pay the whole balance due, the order may be satisfied earlier.

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.

Susan Christie



Legal Member/Chair

9 June 2021
Date