



**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/20/1967**

**Re: Property at 234F Main Street, Barrhead, Glasgow, G78 1SR (“the Property”)**

**Parties:**

**Mrs Gayle Connolly, 17 East Shrubbery, Redlands, Bristol, BS6 6SX (“the Applicant”)**

**Miss Jeanette Gillespie, Mr Lee MacIver, 234F Main Street, Barrhead, Glasgow, G78 1SR (“the Respondents”)**

**Tribunal Members:**

**Nairn Young (Legal Member)**

**Decision (in absence of the second-named respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that**

- Background

This is an application for an order for payment against the Respondents, on the basis of rent arrears alleged to be owed by them to the Applicant in terms of their private residential tenancy at the Property. It called for a case management discussion (‘CMD’) at 10am on 27 November 2020 by teleconference. The Applicant called in to the conference personally, as did the first-named respondent. The second-named respondent did not call in to the conference and was not represented.

- Findings in Fact

1. The Respondents rent the Property from the Applicant in terms of a private residential tenancy agreement with a start date of 4 July 2019.
2. In terms of that agreement, rent of £495 is due on the fourth day of each month.
3. As at the day of the CMD, the Respondents owed the Applicant £1,484.15 in unpaid rent.

- Reasons for Decision

4. The first-named respondent had submitted an application for time to pay in advance of the CMD. The application asked that a time to pay direction be made requiring payments of £50 per month. The Applicant objected, on the basis that the current arrears would take almost three years to be paid and that, on the basis of the calculation in the application itself, further arrears would be incurred in the meantime.
5. The first-named respondent admitted that she is not currently in a position to pay her rent. The second-named respondent no longer occupies the Property and does not contribute to payment of the rent.
6. The Tribunal considered that the application for a time to pay direction should be refused. It is not reasonable in the circumstances for one to be made, since the first-named respondent will not be able to keep to the terms of the proposed payment arrangement. In any event, the amount proposed would take an unreasonable amount of time to clear the arrears that have been admitted to be due.
7. The application was originally raised for payment of the sum of £1,229.01. The Applicant sought to amend that sum to the current arrears of £1,484.15. The Tribunal granted that application, on the basis that the first-named respondent admitted that this was the sum outstanding.

8. Since the sum sought, as amended, was admitted to be owed, the Tribunal granted an order for payment of that amount.

- Decision

Order made for payment by the Respondents to the Applicant of the sum of £1,484.15 (ONE THOUSAND FOUR HUNDRED AND EIGHTY-FOUR POUNDS AND FIFTEEN PENCE STERLING).

### **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.**

Nairn Young  
**Legal Member/Chair**

**02 December 2020**

\_\_\_\_\_  
**Date**