



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/19/4073

Re: Property at 45 Camphill Road, Broughty Ferry, Dundee, DD5 2JG (“the Property”)

Parties:

Mr Robert Kinnear, c/o Macnee, 35 Smiths Field, Rayne, Braintree, CM77 6BX (“the Applicant”)

Mr Barrie Gray, 45 Camphill Road, Broughty Ferry, Dundee, DD5 2JG (“the Respondent”)

Tribunal Members:

Lesley A Ward (Legal Member)

Decision (in absence of the Respondent)

- 1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondent shall pay to the applicant the sum of £1720 by instalments of £50 per month until payment. The first instalment shall be paid within one month of today’s date.**
- 2. This is the second case management discussion ‘CMD’ in connection with an application in terms of s16 of the Housing (Scotland) Act 2014 and rule 70 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, ‘the rules’. A first CMD took place on 21 February 2020 and was adjourned to enable the applicant’s representative to lodge their written mandate and for the respondent to lodge an application for a time to pay direction. It was agreed at that CMD that the rent arrears were £1820.**
- 3. The CMD proceeded by conference call due to the Covid-19 pandemic. The applicant was represented by Ms Anderson of Robertson Property**

Management. The respondent did not attend and was not represented. The tribunal had sight of the copy letter sent to the respondent by the Tribunal on 17 June 2020 and the track and trace which confirmed the letter had been signed for by 'Gray' on 19 June 2020. The tribunal was satisfied that the respondent had received appropriate notice in terms of rule 24. The tribunal proceeded with the CMD in terms of rule 29.

4. Since the last CMD the applicant's agent had lodged their written mandate authorising them to act on his behalf in this matter. The respondent had lodged an application for a time to pay direction of £50 per month.
5. The tribunal had before it the following copy documents:
 - (1) Application dated 17 December 2019.
 - (2) Rent statement
 - (3) Tenancy agreement dated 28 January 2016.
 - (4) Time to pay application.
 - (5) Applicant's title to the property.

Discussion

6. Ms Anderson advised that the respondent continues to reside in the property and since the last CMD has reduced the rent arrears to £1720. He is making payment of the arrears at the rate of £50 per month. The applicant is therefore seeking an order for the sum of £1720 and is in agreement that this can be paid at the rate of £50 per month as per the time to pay application.

7. Findings in fact

- (1) the applicant is the owner of the property.
- (2) The parties entered into a short assured tenancy on 28 January 2016 for let of the property for the initial period of 1 year from 1 March 2016.
- (3) The agreed rent was £650 per month.
- (4) Rent arrears began to accrue in January 2018.
- (5) As at the 22 July 2020 the arrears are £1720.

8. Reasons

This is an application to recover rent arrears. At the CMD on 21 February 2020 the respondent attended and admitted the sum of £1820 was due. He then made a time to pay direction application and has been paying off the areas at £50 per month. The arrears have been reduced to £1720 and the terms of the

time to pay application are agreed. The tribunal had sufficient information to proceed in the absence of the respondent and the procedure has been fair.

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.

L. W

22 July 2020

Lesley A Ward Legal Member

Date