

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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 and Section 1 of the Debtors (Scotland) Act 1987 (“the 1987 Act”)**

**Chamber Ref: FTS/HPC/CV/20/2595**

**Re: Property at 7 Stewart Crescent, Newmains, North Lanarkshire, ML2 9DH (“the Property”)**

**Parties:**

**Ms Mussarat Khalida, 20 Beltonfoot Way, Wishaw, ML2 0GA (“the Applicant”) and**

**Miss Kimberley Yule, Ms Elizabeth Ann McWhinnie, 3 Dornie Path, Newmains, North Lanarkshire, ML2 9PH (“the First Respondent”) and Ms Elizabeth Ann McWhinnie, Burncrooks Farm, Larkhall, ML9 3PS (“the Second Respondent”); and**

**Lanarkshire Community Law Centre, 61A Stirling Street, Airdrie ML6 0AS (“the First Respondent’s Representative”)**

**Tribunal Members:**

**G McWilliams (Legal Member) and A Khan (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent’s Application for a Time to Pay Direction be granted and that an order for payment of £600.00 be made and that at £100.00 per calendar month with the first payment to be made on 22<sup>nd</sup> January 2022 and thereafter payments to be made on the 22<sup>nd</sup> day of each consecutive month until full payment of £600.00 has been made.**

## **Background**

1. The Applicant applied under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”) for a payment order under the parties’ Private Residential Tenancy Agreement (“PRT”).
2. A Case Management Discussion (“CMD”) had taken place on 9<sup>th</sup> March 2021. An Evidential Hearing commenced on 23<sup>rd</sup> June 2021, continued on 26<sup>th</sup> August 2021 and continued again on 19<sup>th</sup> October 2021.

## **Hearing on 19<sup>th</sup> October 2021**

3. The Applicant and the Respondents, as well as the First Respondent’s representative Ms N. Rylatt, attended at the Hearing on 19<sup>th</sup> October 2021. At the commencement of the Hearing the Applicant and Ms Rylatt indicated that they wished to enter into discussions with a view to possibly agreeing settlement of this matter. To their credit the parties agreed settlement after those discussions. They agreed that the Respondents, jointly and severally, will pay the sum of £600.00 to the Applicant by way of six calendar monthly instalment payments of £100.00, commencing on 22<sup>nd</sup> January 2022 and concluding on 22<sup>nd</sup> June 2022.

## **Findings in Fact and Law**

4. The parties have agreed to settle this matter by way of the Respondents’ payment, jointly and severally, to the Applicant of the sum of £600.00 in six consecutive calendar monthly instalments, of £100.00 each, commencing on 22<sup>nd</sup> January 2022 and concluding on 22<sup>nd</sup> June 2022. It is fair and reasonable that a Time to Pay Direction for such repayments, over the period of six months to settle the agreed sum of £600.00, be granted in terms of Section 1 of the Debtors (Scotland) Act 1987 (“the 1987 Act”).

## **Reasons for Decision**

5. The parties have agreed settlement terms. The agreed settlement sum of £600.00 will be repaid to the Applicant by the Respondents over a period of six months. The period for full repayment is fair and reasonable to/for all parties.

## **Decision**

6. The Tribunal makes an order for payment by the Respondents, jointly and severally, to the Applicant of £600.00 at the rate of £100.00 per calendar month, with the first payment to be made on 22<sup>nd</sup> January 2022 and thereafter

payments to be made on the 22<sup>nd</sup> day of each consecutive month until full payment of £600.00 has been made.

### **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.**

# G McWilliams

**G McWilliams Legal Member**

**20<sup>th</sup> October 2021**