



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies)(Scotland) Act 2016.

Chamber Ref: FTS/HPC/CV/22/1096

Re: Property at Flat 1/2, 83 Bolton Drive, Glasgow, G42 9DS (“the Property”)

Parties:

Mrs Bridget Duffy, Mr John Duffy, 186 Carmunnock Road, Kings Park, Glasgow, G44 5AJ (“the Applicant”)

Ms Amie Warnock, Flat 1/2, 83 Bolton Drive, Glasgow, G42 9DS (“the Respondent”)

Tribunal Members:

Karen Kirk (Legal Member) and Gerard Darroch (Ordinary Member)

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

- 1. A Payment Order by consent against the Respondent for £1998.88, and**
- 2. Made a time to pay direction under Section 1(1) of the Debtors (Scotland) Act 1987, in the following terms:**

The respondent is required to pay the sum of £100 per month until the full amount has been paid. The first payment must be made no later than 13th August 2022. .

Introduction

This Hearing was a Case Management Discussion fixed in terms of Rule 17 of the Procedure Rules and concerned an Application for a Payment Order under Section 71(1) of the Private Housing (Tenancies)(Scotland) Act 2016.

Present

Kirsty Donnelly TC Young Solicitors, 7 West George Street, Glasgow, G2 1BA attended for the Applicant.

Lynsey McBride, Govan Law Centre, 18-20 Orkney St, Govan, Glasgow G51 2BZ attended for the Respondent.

The Hearing

- The Applicant's representative set out that parties had agreed settlement terms for this application and the separate application between them for an eviction order. An up to date rent statement dated to 6th July 2022 had been lodged. The Respondent's representative had agreed to the sum due.
- Parties had also agreed that the Respondent would consent to a time to pay payment order in the sum of £1,998.88 with instalments at the rate of £100 per month. The Applicant's representative was also in agreement to same.
- Finally it was also agreed between parties that the Applicant's representative set out that the deposit of £595, or any balance thereof following a check- out inspection, will be utilised towards the arrears balance.

Findings in Fact

1. The Tribunal determined that it was in the interests of justice, parties and having regard to the overriding objective of the Tribunal for a decision to be made at the CMD, in light of the joint position of parties in particular. All necessary material was before the Tribunal in order to make a decision and both parties representative's had confirmed in writing to the Tribunal their agreed positions. The Applicant sought a Payment Order for £1988.88. The Respondent consents to same.
2. The Respondent entered into a Private Residential Tenancy for the property at on 6th April 2018.
3. The monthly rent due in terms of the said Tenancy is £595 per month.
4. The Respondent as at the date of the recent rent statement lodged and agreed in arrears in terms of the tenancy of £1998.88.
3. The Tribunal noted it was also agreed that there be a time to pay direction under Section 1(1) of the Debtors (Scotland) Act 1987, in the following terms: *The respondent is required to pay the sum of £100 per month until the full amount has been paid. The first payment must be made no later than 13th August 2022.*

Reasons for the Decision

The Tribunal heard evidence from the Applicant's representative and the Respondent's representative that parties had agreed fully on terms and sought jointly for an order to be granted. The Tribunal therefore granted a Payment Order with a Time to Pay Direction as detailed as this was jointly sought again by parties.

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.

K. Kirk

13th July 2022

Legal Member/Chair

Date