



Decision 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/21/0325

Re: Property at 273 Flat C, Bank Street, Coatbridge, North Lanarkshire, ML5 1HT (“the Property”)

Parties:

Mrs Razia Mohsan, 41 Morrison Street, Glasgow, G5 8LB (“the Applicant”)

Daniel Cezary Nadworny, Klaudia Dorota Ziedalska, 273 Flat C, Bank Street, Coatbridge, North Lanarkshire, ML5 1HT (“the Respondents”)

Tribunal Member:

Martin McAllister (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondents pay the sum of Two Thousand Eight Hundred Pounds (£2,800) to the Applicant and that payment be made by monthly instalments of One Hundred and Fifty Pounds (£150).

Background

- 1. This is an application for an order of payment raised by the Applicant in respect of rent arrears. The sum being sought in terms of the application is £3,050. The Applicant and Respondents are parties to a Private Residential Tenancy Agreement in respect of the Property. The tenancy commenced on 16th December 2019 and the monthly rental is £450. The Respondents continue to occupy the Property.**

- 2. Case management discussions had been held on 27th May 2021 and 6th July 2021. The Respondents accepted that a sum was due to the Applicant and, at the case management discussion on 6th July 2021, parties agreed that this was £2,950 and the Respondents agreed that they would pay £150 that day leaving a balance due of £2,800.**
- 3. The matter was continued to a case management discussion to be held on 3rd August 2021. The continuation was to allow the Respondents to make an application for a Time to Pay Direction in terms of the Debtors (Scotland) Act 1987.**
- 4. The Respondents submitted an appropriate application form dated 9th July 2021 for a Time to Pay Direction. The application form disclosed that the Respondents accepted that they owed £2,800 to the Applicant and they offered to pay it at the rate of £150 per month.**
- 5. On 26th July 2021, the Applicant intimated to the Tribunal that he would accept payment of the debt by instalments of £150 per month.**
- 6. As a consequence of the Respondent accepting the Applicants' offer to pay the debt, the case management discussion arranged for 3rd August 2021 was cancelled and the Tribunal determined matters in the absence of the parties.**

Disposal

- 7. The Tribunal determined that the sum of £2,800 be paid to the Applicant by the Respondents and that a Time to Pay Direction be made requiring the sum to be paid by monthly instalments of £150.**

Reasons

- 8. The Respondents accepted that a debt of £2,800 was due to be paid by them to the Applicant.**
- 9. The Applicant had sight of the application for the Time to Pay Direction and accepted the offer of instalments of £150 per month.**

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.



Martin J. McAllister
Legal Member
2nd August 2021