Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 73 of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/21/1177

Re: Property at 27 Woodburn Park, Hamilton, ML3 6AL ("the Property")

Parties:

Mr Mark Dempsie, 29 Campbell Crescent, Bothwell, G71 8HD ("the Applicant")

Miss Stevie-Leigh Reynolds, Mr Jamie Boyd, 27 Woodburn Park, Hamilton, ML3 6AL ("the Respondents")

Tribunal Members:

Rory Cowan (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that a payment order in the sum of £1,560.56 should be issued and that the Respondents be allowed time to pay at the rate of £150 per calendar month.

Background

The Applicants seek a payment order against the Respondents relative to the tenancy for the Property. A Case Management Discussion (CMD) was held on 7 July 2021. At that CMD, the Applicants sought to amend the claim by reducing the sum claimed to £1,560.56. The Respondents admitted 3 months rent arrears, but there was a potential dispute regarding the application of the deposit to those arrears. That CMD was continued to a further CMD schedule for 20 August 2021 to allow the parties to reach a settlement regarding the sums due and, if advised, for an application for time to pay.

The Case Management Discussion

In advance of the CMD on 20 August 2021, the Respondents lodged an application for time to pay dated 1 August 2021, admitting the amended sum claimed and seeking time to pay at the rate of £150 per month. In the response to that application for time to pay dated 9 August 2021, the Applicant accepted the Respondents offer

by way of instalments. Following receipt of the application for time to pay and the response to same, the CMD fixed for 20 August 2021 was discharged.

- Findings in Fact
- 1) That the Respondents entered into a tenancy for the Property which ended on 8 June 2021.
- 2) That in terms of the tenancy agreement rent was due at the rate of £595 per calendar month.
- 3) That the Respondents vacated the Property leaving rent arrears of £1,785 being 3months rent.
- 4) That a deposit of £595 was paid by the Respondents to the Applicant.
- 5) That after deductions, the balance of the deposit applicable to the rent arrears is £244.44 and the balance of the rent arrears due is therefore £1,560.56.
- Reasons for Decision

The Respondents in their application for time to pay have accepted liability for the amended sum claimed.

Decision

A Payment order in the sum of £1,560.56 should be issued and the Respondents allowed time to pay at the rate of £150 per calendar 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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

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 Legal Member/Chair	20 August 2021 Date