



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) 2014 (“the 2014 Act”) and Section 1 of the Debtors (Scotland) Act 1987 (“the 1987 Act”)

Chamber Ref: FTS/HPC/CV/22/3191

Re: Property at 48 Craigpark Drive (1/2), Dennistoun, Glasgow, G31 2NP (“the Property”)

Parties:

Crolla Developments Limited, 5 Menstrie Road, Tullibody, Clackmannanshire, FK10 2RF (“the Applicant) and

Miss Alicia Battle, 3/2, 96 Holmlea Road, Cathcart, Glasgow G44 4AN (“the Respondent”)

Tribunal Member:

G McWilliams (Legal 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 £2,670.00 be made at £200.00 per calendar month with the first payment to be made on 1st February 2023 and on the 1st day of each consecutive month thereafter until the total sum of £2,670.00 has been fully paid.

Background

1. By Application received between 1st September and 10th October 2022 the Applicant sought an Order for payment in respect of rent arrears under Rule 111 of the First tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the 2017 Rules”) (Application for civil proceedings in relation to a private residential tenancy).

Case Management Discussion and Application for a Time to Pay Direction

2. A Case Management Discussion (“CMD”) proceeded remotely by telephone conference call at 2.00pm today 24th January 2023. The Applicant’s Director Mr A. Crolla and the Respondent attended. Shortly prior to the commencement of the CMD the Respondent had sent a formal Application for a Time to Pay Direction, in respect of the rent arrears amount claimed by the Applicant, of £2,670.00, at the rate of £200.00 per calendar month until fully repaid. The Respondent confirmed the details of her Application for a Time to Pay Direction verbally. Mr Crolla stated that the Respondent’s offer to pay was acceptable. The Respondent proposed to commence monthly repayments, of £200.00, on 1st February 2023 and to continue such payments on consecutive months thereafter until the debt has been fully repaid. Mr Crolla also agreed to this. The Tribunal found that the monthly repayment sum offered by the Respondent was reasonable and affordable.

Findings in Fact

3. The Tribunal made the following findings in fact. The parties previously had a Private Rented Tenancy Agreement (“PRT”) which ended on 30th July 2022. The Respondent owes rent arrears to the Applicant in the amount of £2,670.00. The Respondent offers to pay the outstanding rent arrears to the Applicant at the rate of £200.00 per calendar month, commencing on 1st February 2023 and continuing on consecutive months thereafter until fully repaid. The Respondent’s offer is acceptable to the Applicant. The monthly repayment sum offered by the Respondent is reasonable.

Decision and Reasons for Decision

4. Having found that the amount of £2,670.00 is due and owing by the Respondent to the Applicant and having found that the Time to Pay Direction Application is reasonable, and acceptable to the Applicant, the Tribunal determined to grant the Order for the Respondent’s payment to the Applicant of £2,670.00 by consecutive calendar monthly instalments of £200.00, in terms of Section 1 of the 1987 Act.

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

Legal Member

24th January 2023
Date