



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

Chamber Ref: FTS/HPC/CV/22/4022

Re: Property at 54 Rylees Road, Penilee, Glasgow, G52 4DB (“the Property”)

Parties:

Mr Thomas McDonald, 12 Alexander Ave, Glasgow, G76 0JG (“the Applicant”)

Miss Jamilee Pollock, 54 Rylees Road, Penilee, Glasgow, G52 4DB (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an order for payment for £5990.00 (FIVE THOUSAND NINE HUNDRED AND NINETY POUNDS) paid at instalments of £100 (ONE HUNDRED POUNDS) per month from 1st June 2023 as per the Time To Pay Direction.

Background

1. An application was received by the Housing and Property Chamber dated 3rd November 2022. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments.
2. On 28th November 2022 all parties were written to with the date for the Case Management Discussion (“CMD”) of 18th January 2023 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 19th December 2022.

3. On 29th November 2022, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent. This was evidenced by Certificate of Intimation dated 29th November 2022.
4. A CMD was held 18th January 2023 at 2pm by teleconferencing. The Applicant was present and represented himself. The Respondent was not present. She was represented by Ms Lynda Nouar, Trainee Solicitor, Govan Law Centre. The Applicant told the Tribunal that he believed the Respondent to be in receipt of Universal Credit. The housing element is paid directly to the Respondent. The last payment was received on 28th April 2022 for £540. The Applicant said that the Respondent has emailed on several occasions offering to pay her monthly rent and £100. These payments have not been forthcoming. Ms Nouar told the Tribunal that the outstanding amount was not disputed but that granting an order was opposed. The Tribunal asked Ms Nouar to confirm on what basis the Respondent opposed this given that she admitted the debt. Ms Nouar did not have instructions on that but asked for the CMD to be continued for a Time To Pay Direction to be considered. Ms Nouar told the Tribunal that Govan Law Centre has money advisers within its service who will work with the Respondent in terms of the forms and the affordability of an offer. The Applicant noted that he is unavailable between 12th – 25th March 2023. The CMD was continued for the Respondent to consider a Time To Pay Direction.

The Case Management Discussion

5. A CMD was held 21st April 2023 at 10am by teleconferencing. The Applicant was present and represented himself. The Respondent was not present. She was represented by Ms Holy Soley, solicitor, Govan Law Centre.
6. A TTTD was lodged with the Housing and Property Chamber. This was forwarded to the Tribunal on the day of the CMD. The Tribunal confirmed that the Applicant had received it and had been able to consider its contents. The Applicant said that he had and that he accepted the offer of £100 per month. The Respondent moved out in our around 12th March 2023. The TTPD addresses arrears of £5590. However the arrears have increased to by £1040. Ms Soley objected to the amount sought being increased as there should have been 7 days notice and she did not have instructions regarding the increase. The Tribunal noted that the increase should have been notified 7 days in advance. The Applicant noted this and wished to proceed with a TTPD for the outstanding amount of £5990. The Tribunal noted should the Respondent fail to maintain payments then the Applicant will be entitled to seek the full amount outstanding. Ms Soley was not able to confirm the best date to start the TTPD but agreed that starting from 1st June 2023 would give the Respondent the opportunity to set up payments.

Findings and reason for decision

7. A Private Rented Tenancy Agreement commenced 2nd December 2017. The tenancy ended on or around 12th March 2023.

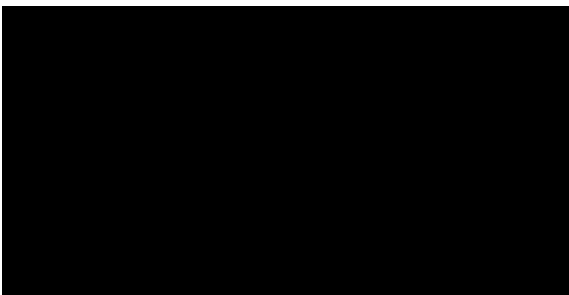
8. The Respondent persistently failed to pay her rent charge of £480 per month.
9. The arrears sought total £5990. This amount was accepted by the Respondent. The arrears have increased by £1040 since that amount was requested. There was not sufficient notice to increase the amount sought by the further increase in arrears.
10. A TTPD was lodged offering payment of the amount of £5990 at £100 per month. This was accepted by the Applicant.

Decision

11. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £5990 at £100 per month from 1st June 2023.

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.



Legal Member/Chair

Date 21st April 2032