



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014 (“the Act”)

Chamber Ref: FTS/HPC/CV/19/2814

Re: Property at 88 Cambusdoon Place, Kilwinning, Ayrshire, KA13 6SN (“the Property”)

Parties:

Steven Easton Residential Limited, 2 Newfield Drive, Dundonald, Ayrshire, KA2 9EW (“the Applicant”)

Ms Melissa Maryann Tudhope, 88 Cambusdoon Place, Kilwinning, Ayrshire, KA13 6SN (“the Respondent”)

Tribunal Members:

James Bauld (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order should be granted for payment in the sum of Three Thousand Eight hundred and sixty five pounds and fifty three pence (£3,865.53)

Background and Case Management Discussion

The Case Management Discussion (CMD) took place on 11 November 2019. Reference is made to the note of that CMD which was issued to parties after the hearing. At the CMD, parties agreed that a sum of Three Thousand Eight hundred and sixty five pounds and fifty three pence (£3,865.53) was outstanding in rent arrears. It was also agreed that the respondent would lodge a Time to Pay Application

The respondent lodged a Time to Pay application dated 13 November 2019. She offered to pay £100 every two weeks towards the arrears

The applicant was advised of the terms of the Time to Pay application and lodged a response form dated 27 November 2019 indicating that the offer was acceptable

On 19 December 2019, parties were notified that a further CMD would take place on 10 January 2020

Findings in Fact

The Applicant and the Respondent as respectively the landlord and tenant entered into a tenancy of the property on 15 June 2016

The tenancy was a short assured tenancy in terms of the Housing (Scotland) Act 1988

As at 11 November 2019, the respondent owed rent arrears to the applicant in the sum of £3,865.53. Appropriate accounting had been provided with the application to the tribunal.

Decision

The order for payment of arrears is granted subject to a Time to Pay Order allowing payment at the rate of £100 every two weeks.

The CMD set for 10 January 2020 is now unnecessary and will be cancelled

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.


Legal Member/Chair

20 December 2019
Date