

Housing and Property Chamber
First-tier Tribunal for Scotland



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/CV/19/3299

Re: Property at 43 Union Street, Keith, Banffshire, AB55 5DP (“the Property”)

Parties:

**Mr John Ferris, Mrs Jillian Ferris, Mill Lade, Crossroads, Keith, Banffshire,
AB55 6LQ (“the Applicants”)**

**Mr Gary Smith, 25 Cuthil Road, Keith, Banffshire, AB55 5AS (“the
Respondent”)**

Tribunal Members:

Helen Forbes (Legal Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order for payment should be granted in the sum
of £670.84**

Background

This is an application dated 7th October 2019 and made in terms of Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). The Applicants are seeking an order for payment in the sum of £670.84. Parties entered into a short assured tenancy in respect of the Property. The tenancy commenced on 1st September 2017 and ended on 28th August 2019. The rent was £500 per month. At the end of the tenancy, the sum of £601.64 was outstanding in rent arrears and £69.20 in associated costs for pursuing payment of said rent arrears.

The Case Management Discussion

A Case Management Discussion took place at Banff Sheriff Court on 10th December 2019. The parties were in attendance. The Applicants provided the Tribunal with a copy of a text message received from the Respondent on 17th October 2019, offering to make payment of the outstanding sum by instalment. The Applicants responded to the Respondent by text message on the same date, stating that the payment plan

was acceptable and that, if payment was made, they would advise the Tribunal that no further action would be taken. No payment was made thereafter.

The Respondent agreed that he had sent the text message and intended to make payment; however, his financial position had deteriorated and he was not in a position to make payment as promised. The Respondent said he fully accepted the debt was due and that he was liable to make payment. He said he hoped to be able to resolve matters. He said he could make payment by instalments starting this month.

There was some discussion about the best way forward. Parties agreed that it would be preferable to make an order for payment and take matters from there.

Findings in Fact

1. Parties entered into a short assured tenancy in respect of the Property which commenced on 1st September 2017 and ended on 28th August 2019.
2. The rent was £500 per month.
3. At the end of the tenancy, the sum of £601.64 was outstanding in rent arrears. This sum remains outstanding.
4. The sum of £69.20 in associated costs for pursuing payment of said rent arrears is outstanding.
5. The Applicants are entitled to recover rent lawfully due and their costs of pursuing rent arrears, in terms of the tenancy agreement between the parties.

Reasons for Decision

Rent lawfully due remains outstanding. The Applicants are entitled to recover the rent lawfully due. In terms of the tenancy agreement between the parties, the Applicants are entitled to recover the costs of pursuing payment of rent arrears.

Decision

An order for payment is granted in favour of the Applicants in the sum of £670.84.

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.

Helen Forbes

Legal Member/Chair

10th December 2019

Date