



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

Chamber Ref: FTS/HPC/CV/21/1302

Re: Property at Barlay, New Abbey, Dumfries, DG2 8DY (“the Property”)

Parties:

Timothy Peter Adcock, Judith Louise Eccleston, Linda Margaret Greenshields, c/o G M Thomson and co, 35 Buccleuch Street, Dumfries, DG1 2AB (“the Applicant”)

Mr Gary Moody, 2 Whitehall Cottage, Kirkmahoe, Dumfries, DG1 1TD (“the Respondent”)

Tribunal Members:

John McHugh (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment of the sum of £7160 by the Respondent to the Applicant should be made subject to a time to pay direction of £460 per month.

Background

The Applicant held the landlord’s interest and the Respondent the tenant’s interest in a lease of the Property being a house known as Barlay, New Abbey. The Applicant seeks payment of rent arrears totalling £7160 to 6 April 2021.

The Case Management Discussion

A Case Management Discussion was scheduled for 24 August 2021 but will no longer require to proceed.

Findings in Fact

The Applicant held the landlord's interest and the Respondent the tenant's interest in a lease of the Property dated 29 June 2001.

In terms of the lease rent was due at the rate of £460 per month

Rent arrears totalled £7160 as at 6 April 2021.

Reasons for Decision

The Respondent accepts that the sum claimed is due. He has submitted an application for a time to pay direction dated 11 August 2021. It offers payment at the rate of £460 per month. The Applicant has by response dated 13 August indicated that the time to pay application is acceptable. In all the circumstances, the Tribunal considers it reasonable to grant the payment order and the time to pay application.

Decision

An order for payment of the sum of £7160 by the Respondent to the Applicant will be made subject to a time to pay direction of £460 per 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.

John McHugh

Legal Member/Chair

20 August 2021

Date