



**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/21/1128**

**Re: Property at 169 Greenfield Street, Alloa, FK10 2AL (“the Property”)**

**Parties:**

**Mulraney Properties Ltd, Limetree House, Castle Street, Alloa, FK10 1EX (“the Applicant”)**

**Ms Amanda McDonald, 169 Greenfield Street, Alloa, FK10 2AL (“the Respondent”)**

**Tribunal Members:**

**Fiona Watson (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent(s) for payment of the undernoted sum to the Applicant(s):**

**Sum of ONE THOUSAND NINE HUNDRED AND SEVENTY POUNDS (£1,970) STERLING**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) made a time to pay direction under Section 1(1) of the Debtors (Scotland) Act 1987, in the following terms:**

**The respondent is required to pay the sum of ONE HUNDRED POUNDS (£100) STERLING per calendar month until the full amount has been paid. The first payment must be made no later than 14 days after intimation of this Order.**

- Background
- 1. An application dated 11 May 2021 was submitted to the Tribunal under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the

Respondent in relation to rent arrears accrued under a short assured tenancy agreement.

- The Case Management Discussion

2. A Case Management Discussion (“CMD”) took place on 5 August 2021. The Applicant was represented by their letting agent, Mrs Johnstone of Northwood Central UK Ltd. The Respondent was personally present and represented herself.
3. Prior to the CMD the Respondent had submitted a Time to Pay Application, in which she admitted the sum due and sought repayment terms at the rate of £100 per month. Opposition to the said Time to Pay Application was lodged by the Applicant’s representative in advance of the CMD.
4. The Applicant moved for the order for payment to be granted in the reduced sum of £1970 and for the Time to Pay Application to be refused. There had been arrears on the rent account since 2017. The Respondent was still resident in the property and had previously been served with Notice to Quit. The Respondent had been very difficult to engage with in agreeing repayment arrangements and had been asked to provide evidence of her income and expenditure but had failed to do so. The Applicant did not consider that the Respondent was prioritising keeping a roof over her and her children’s heads. The rent being charged was less than the market rent that the landlord could achieve on the open market.
5. The Respondent submitted that she had been on a very low income which had resulted in her getting into financial difficulty. She lived in the Property with her two children. She considered that £100 per month on top of her ongoing rent was affordable and manageable to her. She had considered offering more as she was aware her landlord did not want to accept this proposal but worried that this would, not be sustainable for her and would set her up to fail. She did not consider that her outgoings were unusual. The Applicant’s representative had referred to her having a gym membership, and this was explained as being for her daughter who was heavily involved in gymnastics. She hoped to receive a work-related bonus towards the end of the year which would allow her to pay off the remaining arrears in a lump sum.

- Findings in Fact

6. The Tribunal made the following findings in fact:

- (a) The parties entered into a Short Assured Tenancy Agreement (“the Agreement”) which commenced 3 April 2017;
- (b) In terms of Clause 2.1 of the Agreement, the Respondent was obliged to pay a monthly rent of £350 to the Applicant;
- (c) The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £1970.

- Reasons for Decision

7. The Tribunal was satisfied that the Applicant was entitled to the sum as sought, and which was admitted by the Respondent. The Tribunal considered the information submitted by the Respondent in her Time to Pay Application which set out her income and expenditure. The Tribunal noted that in terms of the rent statement, the Respondent had shown efforts to make payment of full rent and payment to arrears in the four months leading up to the CMD. The arrears had reduced since the application was raised. The Respondent had demonstrated an ability and willingness to overpay the rent to reduce the arrears balance. Whilst the Tribunal noted that it would take 19 calendar months to repay the arrears, it considered that the sum proposed was a reasonable one taking into account the Respondent's financial position as set out in the Time to Pay Application.
- Decision
8. The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an order is granted against the Respondent(s) for payment of the undernoted sum to the Applicant(s):

Sum of ONE THOUSAND NINE HUNDRED AND SEVENTY POUNDS  
(£1,970) STERLING

The First-tier Tribunal for Scotland (Housing and Property Chamber) made a time to pay direction under Section 1(1) of the Debtors (Scotland) Act 1987, in the following terms:

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### **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: 5 August 2021**

Fiona Watson

