



**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/19/0619**

**Re: Property at 20 Bankhead Terrace, Forfar, Angus, DD8 3JG (“the Property”)**

**Parties:**

**Mrs Lynda Jones, Mrs Patricia Young, Manor Lea, 28 Manor Street, Forfar, DD8  
1BR (“the Applicants”)**

**Ms Aileen Jarvie, 96 Restenneth Drive, Forfar, Angus, DD8 2BD (“the  
Respondent”)**

**Tribunal Members:**

**Graham Harding (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that the Applicants were entitled to an order for  
payment by the Respondent to the Applicants in the sum of £5010.00**

**Background**

1. By Application dated 21 February 2019 the Applicants sought an order from the Tribunal in respect of alleged rent arrears arising from the Respondents lease of the property. The Applicants submitted a copy of the Tenancy agreement together with a schedule of rent due and copy bank statements in support of their application.
2. By Notice of Acceptance dated 6 March 2019 a legal member of the Tribunal with delegated powers accepted the application and a case management discussion was assigned.
3. Intimation of the case management discussion was given to the Applicants by post on 4 April 2019 and to the Respondent by Sheriff Officers on 5 April 2019.

4. By email dated 26 April 2019 the Respondent advised the Tribunal that she was unable to attend the case management discussion due to work commitments. She offered to repay the rent arrears at the rate of £100.00 per calendar month. She indicated this was all she could afford to pay and be able to continue to pay for her current living arrangements.

#### The Case Management Discussion

5. The case management discussion was held at Caledonian House, Greenmarket, Dundee on 29 April 2019. It was attended by the Applicants. There was no appearance by the Respondent. In light of the email received from the Respondent on 26 April 2019 the Tribunal proceeded with the case management discussion in accordance with Rule 29 of the first-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.
6. The Applicants advised the Tribunal that the Respondent had returned the keys of the property on 5 January 2019. At that time the rent due amounted to £5600.00. The Applicants referred the Tribunal to the Schedule and bank statements lodged with their application. The Applicants confirmed that they had received back from Safe Deposits the Respondent's deposit of £590.00 leaving a balance due to them of £5010.00.
7. The Applicants confirmed they had received a copy of the Respondent's email of 26 April 2019 and were aware that the Respondent did not appear to be disputing the debt but was looking to repay at the rate of £100.00 per month. The Applicants thought that it would take too long to pay the debt at this rate and also the Respondent had made promises to pay in the past but had only occasionally made any payments towards the arrears. Mrs Young noted that the Respondent was in employment with she thought Specsavers and that she went on holidays and drove a new car. She did not have any knowledge of the Respondent's income.

#### Findings in Fact

8. The parties entered into a Short Assured Tenancy Agreement that commenced on 25 March 2016 and ended on 5 January 2019.
9. At the date of termination of the lease the Respondent owed the Applicants £5600.00 by way of rent arrears.
10. The Applicants recovered the Respondent's deposit of £590.00 from Safe Deposits leaving a balance due by the Respondent of £5010.00.
11. The Respondent offered to repay the debt at the rate of £100.00 per month.

## Reasons for Decision

12. The Applicants provided sufficient evidence from the tenancy agreement, copy bank statements and rent schedule to show that the rent arrears as at the date of termination of the lease was £5600.00. The Tribunal was satisfied from the information provided by the Applicants that the Respondent's deposit had been repaid to the Applicants in the sum of £590.00 leaving a balance due by the Respondent of £5010.00. Furthermore in her email of 26 April the Respondent did not dispute that the sum was due.
13. Although the Respondent had not lodged a completed application requesting that the Tribunal consider making a Time to Pay Direction under the Debtors (Scotland) Act 1987 she had in her email of 26 April 2019 offered to repay the debt at the rate of £100.00 per month. In the circumstances the Tribunal felt it should consider whether such an offer could be considered to be reasonable. It would take the Respondent over 4 years to clear the debt at this rate and in the circumstances it seemed to the Tribunal that this was out with the normal time period that would be acceptable for creditors such as the Applicants to be expected to wait for payment and therefore it would not be appropriate to make a time to pay direction.
14. The Tribunal was satisfied that the Applicants were entitled to an order for payment in the sum of £5010.00.

## Decision

15. The Applicants are entitled to an order for payment by the Respondent to the Applicants in the sum of £5010.00.

## 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.**

Mr Graham Harding

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Legal Member/Chair

29 April 2019  
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Date