



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Regulation 70 of the First-tier Tribunal for Scotland (Housing and Property Chamber)(Procedure) Regulations 2017

Chamber Ref: FTS/HPC/CV/18/0414

Re: Property at 2E Cornton Place, Crieff, PH7 3AP (“the Property”)

Parties:

Mr Ian Cadman, The Spa, Pitkeathly Wells, Bridge of Earn, PH2 9HA (“the Applicant”)

Mr Nigel Taylor, Mr Stephen Taylor, 18 Burrell Square, Crieff, PH7 4DR (“the Respondents”)

Tribunal Members:

Graham Harding (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the sum claimed by the Applicant be amended to £4640.00 and the Applicant was entitled to an order for payment by the Respondents in the sum of £4640.00

Background

1. By application dated 8 February 2018 the Applicant applied to the Tribunal for an order for payment in respect of arrears of rent due by the Respondents under a tenancy agreement of the property. In support of his application the Applicant provided the Tribunal with a copy of the lease, correspondence with the Respondents and copy bank statements.
2. By Notice of Acceptance dated 23 March 2018 a legal member of the Tribunal with delegated powers accepted the application.
3. Intimation was given to the parties and a Case Management Discussion was held at Perth on 31 May 2018. It was attended by the Applicant and the Respondent. At that time it was accepted that the actual amount of arrears

had increased to more than £4000.00 but the Applicant did not seek to amend the sum claimed as he indicated there was a further application pending before the Tribunal. The Respondents advised that they were offering to make payment at the rate of a minimum of £10.00 per month. The Case Management Discussion was continued to 15 August 2018 to monitor payments.

4. A further Case Management Discussion was held at Perth on 15 August 2018 and was again attended by the Applicant and the Respondents. The Respondents had continued to make payment at the rate of £10.00 per month. Following discussion the Applicant sought a further continuation to monitor payment. This was allowed but the legal member indicated it was unlikely that a further continuation would be granted. The case was continued to a Case Management discussion on 16 November 2018.

Case Management Discussion

5. A further Case Management Discussion was held at Inveralmond Business Centre, Auld Bond Road, Perth on 16 November 2018. It was attended by the Applicant and the Respondents.
6. The Respondents confirmed they had continued to make monthly payments of £10.00 to the applicant. They had paid a total of £60.00 towards the arrears. This was said to be correct by the Applicant.
7. The applicant explained that the arrears were well in excess of £4500.00. He said that he had not proceeded with his other application to the Tribunal for the balance of the arrears. The Respondents advised that the total amount of the arrears amounted to £4700.00 less the £60.00 paid to account leaving a balance due by them to the Applicant of £4640.00.
8. The legal member queried with the Applicant whether he wished to amend the sum claimed to increase it to £4640.00. The Applicant said that he did. The Respondents said they had no objection to the sum claimed being so amended.
9. The Respondents explained that due to Mr Nigel Taylor being only in receipt of Statutory Sick Pay and Mr Stephen Taylor having very little income as a self employed illustrator together with his state pension and pension credit the most they could currently afford to pay towards the arrears was £10.00 per month.
10. The applicant thought that £10.00 per month was not a sufficient amount as it would take far too long to pay off the arrears. He asked the Tribunal to grant an order for payment for the full amount due of £4640.00. The Respondents accepted that the sum was due and that they had no objection to the order being granted.

Findings in Fact

11. The Respondents owed the applicant £4700.00 in respect of arrears of rent of the property as at the date of termination of the lease.
12. The Respondents have made payments to account at the rate of £10.00 per month in the total sum of £60.00.
13. The amount still due by the Respondents to the Applicant is £4640.00.

Reasons for Decision

14. The parties were agreed that the total amount of rent arrears at the date of termination of the lease was £4700.00. The Respondents had no objection to the sum claimed by the Applicant being amended to reflect the actual sum due.
15. It was a matter of agreement that the Respondents had made six monthly payments of £10.00 to the Applicant and that the balance due to him was £4640.00.
16. The Respondents had no objection to an order for payment in the sum of £4640.00 being granted against them.

Decision

17. Having heard from both parties and there being no objection from the Respondents the Tribunal allows the Applicant to amend the sum claimed to £4640.00 and thereafter finds the Applicant entitled to an order for payment by the Respondents in the sum of £4640.00.

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.

Graham Harding

Legal Member/Chair

16 November 2018
Date