

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision 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/19/1328

Re: Property at 8 Fishmarket Square, Edinburgh, EH6 4LN (“the Property”)

Parties:

Mr Mario Orozco Roldan, Mrs Rhona Dick, 4 Northfield Drive, Edinburgh, EH8 7RW (“the Applicant”)

Miss Jardean Campbell, Mr Dylan Moore, 2/12 Shale Road, Edinburgh, EH17 8FA (“the Respondent”)

Tribunal Members:

George Clark (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be granted and made an Order for Payment by the Respondent to the Applicant of the sum of £1,219. The Tribunal also made a Time to Pay Direction for payment by monthly instalments of £50.

Background and Reasons for Decision

By application, received by the Tribunal on 2 May 2019, the Applicant sought an Order for Payment of £1,290 in respect of unpaid rent that had become lawfully due by the Respondent in respect of the Property.

The application was accompanied by a copy Short Assured Tenancy between the Parties commencing on 1 May 2017 at a monthly rent of £575, a rent statement showing arrears of £1,290 as at 31 October 2018 and an agreement between the Parties dated 3 October 2018 that the sum due by the Respondent (then £1,390) would be repaid by monthly instalments of £100. The Applicant stated in the application that one payment of £3100 had been received, leaving a sum outstanding of £1,290. The Respondent had vacated the Property in May 2018.

By letter dated 24 May 2019, the Tribunal advised the Parties of the date, time and venue for a Case Management Discussion and the Respondent was invited to make written representations by 16 June 2019.

On 1 June 2019, the Respondent Miss Jardean Campbell submitted an Application for a “time to pay direction” under the Debtors (Scotland) Act 1987 in which she

admitted liability for the applicant's claim against her. She provided the Tribunal with details of her employment status (full time) and her financial position and requested a time to pay direction of instalments of £25 per month.

On 2 June 2019, the Respondent Mr Dylan Moore submitted an Application for a "time to pay direction" under the Debtors (Scotland) Act 1987 in which he admitted liability for the applicant's claim against him. He provided the Tribunal with details of his employment status (unemployed) and his financial position and requested a time to pay direction of instalments of £12.50 per fortnight.

On 11 June 2019, the Applicant, Mr Mario Orozco Roldan and Mrs Rhona Dick advised the Tribunal that they were content with the proposals for time to pay. Accordingly, the Tribunal determined that the Case Management Discussion scheduled for 27 June 2019 no longer needed to go ahead and that the application should be granted without a hearing and an Order for Payment and a Time to Pay Direction made. As the Respondent Miss Campbell had requested to pay £25 per month and the Respondent Mr Moore had requested to pay £12.50 per fortnight, the Tribunal determined that the Time to Pay Direction should be for instalments of £50 per month.

Decision

The Tribunal determined that the application should be granted and made an Order for Payment by the Respondent to the Applicant of the sum of £1,219. The Tribunal also made a Time to Pay Direction for payment by monthly instalments of £50.

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.

George Clark

Legal Member/Chair

20 June 2019

Date