



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 70(1) of the Private Tenancies (Housing) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/19/2441

Re: Property at G/R 59 Provost Road, Dundee, DD3 8AG (“the Property”)

Parties:

Ms Natalie Stewart, c/o 17 Crescent Lane, Dundee, DD4 6DP (“the Applicant”)

Mr William Dowie, Ms Linda Mitchell, G/R 59 Provost Road, Dundee, DD3 8AG (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member)

Decision in absence of the Respondents

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order against the Respondent for payment of the sum of Two thousand four hundred and ninety pounds (£2490) Sterling to the Applicant by instalments of two hundred pounds per month.

Background

- 1 By application dated 5th August 2019 the Applicant sought an order for payment against the Respondents in respect of unpaid rent in the sum of £2490.
- 2 By Notice of Acceptance of Application the Legal Member with delegated powers of the Chamber President intimated that there were no grounds to reject the application. A Case Management Discussion was therefore assigned for 10th October 2019.
- 3 The application paperwork together with notification of the Case Management Discussion was served on the Respondents by Sheriff Officers. On 12th September 2019 the First Named Respondent submitted a time to pay application accepting liability for the debt and offering repayment at the rate of

£200 per month. There was no response from the Second Named Respondent. On 30th September 2019 the Tribunal received correspondence from the Applicant's Representative confirming that she was agreeable to the time to pay offer.

The Case Management Discussion

- 4 The Case Management Discussion took place on 10 October 2019. Tanya Royle from Bailie Shepherd Solicitors appeared on behalf of the Applicant. There was no appearance by the Respondents. Ms Royle confirmed that the Applicant wished to accept the time to pay application.

Reasons for Decision

- 5 The Tribunal was satisfied that it was able to make a decision at the Case Management Discussion and that to do so would not be prejudicial to the parties. The Tribunal noted that the First Named Respondent had submitted a time to pay accepting the debt and offering repayment at the rate of £200 which the Tribunal considered to be reasonable having regard to the financial information provided by the First Named Respondent. Whilst the Second Named Respondent had not provided any response she had been served with the application paperwork and had been given the opportunity to dispute the claim.
- 6 Accordingly the Tribunal made an order for payment against the Respondents in the sum of £2490 payable by instalments of £200 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.

Ruth O'Hare

 _____
Legal Member/Chair

10/10/19

Date