



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017.

Chamber Ref: FTS/HPC/CV/22/1377

Re: Property at 5 Ardmore Road, Port Glasgow, PA14 5RY (“the Property”)

Parties:

Property Management Options, 6 Robert Street, Port Glasgow, PA14 5NU (“the Applicant”)

Ms Isobel Stevenson, 5 Ardmore Road, Port Glasgow, PA14 5RY (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member) and Frances Wood (Ordinary Member)

Decision

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

Sum of ONE THOUSAND THREE HUNDRED AND THIRTY-THREE POUNDS AND SEVENTY PENCE (£1,333.70) STERLING

- Background
- 1. An application was submitted to the Tribunal under Rule 111 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 private residential tenancy agreement.
- The Case Management Discussion

2. A Case Management Discussion (“CMD”) took place on 5 August 2022. The Applicant was represented by Miss Wilson of Patten & Prentice Solicitors. The Respondent was represented by Miss McHugh of Brown & Co Solicitors.
3. A separate application by the Applicant seeking a repossession order against the Respondent under Rule 109 of the Rules and under case reference FTS/HPC/EV/22/1376 was heard at the same time.
4. The Applicant’s representative moved for the order for payment to be granted in the reduced sum of £1,680. The parties had entered into a Private Residential Tenancy Agreement. The Respondent had failed to make payment of rent and at the time of submitting the application had fallen into arrears amounting to £6,720. Since submitting the application, payments had been made reducing the level of arrears to £1,680.
5. The Respondent’s representative submitted that she had been unaware of the application seeking a payment order, and had only had sight of the repossession application under reference FTS/HPC/EV/22/1376 which was also being considered at the CMD. Whilst the level of arrears being stated was not disputed, she had not had sight of the application nor had instructions on it.
6. The CMD was adjourned to proceed to a Hearing to be considered alongside the repossession application under reference FTS/HPC/EV/22/1376, to enable the Respondent’s representative an opportunity to consider the terms of the application and take instructions on same.
 - The Hearing
7. A Hearing took place on 9 December 2022. The Applicant was represented by Mr Caldwell of Patten & Prentice Solicitors. The Respondent was represented by Ms Fidelo of Brown & Co Solicitors.
8. The parties’ representatives confirmed that the parties had reached an agreement. The Respondent consents to a payment order in the sum of £1333.70 being granted against her (being the current level of arrears), on the basis that the Applicant provides an undertaking to the Tribunal that the order will not be enforced by the Applicant for so long as the Respondent maintains payments under the repayment arrangement agreed between the parties. The terms of the payment arrangement are that in December 2022, the Respondent must pay the due monthly rent, being £480. Thereafter, commencing January 2023 and in each month thereafter, the Respondent must pay the due monthly rent (currently £480) plus £100 per month towards arrears. The Applicant undertook not to enforce the payment order so long as the Respondent was adhering to said payment arrangement.
 - Decision

9. The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent for payment of the undernoted sum to the Applicant:

Sum of ONE THOUSAND THREE HUNDRED AND THIRTY-THREE POUNDS AND SEVENTY PENCE (£1,333.70) STERLING.

The Order must not be enforced by the Applicant for so long as the Respondent maintains payments under the repayment arrangement agreed between the parties as set out in paragraph 8 above.

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.

F Watson

Legal Member/Chair

Date: 9 December 2022