



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

Chamber Ref: FTS/HPC/CV/22/2874

**Re: Property at Flat 4, Friars park, Institution Road, Elgin, IV30 1QU (“the
Property”)**

Parties:

**Ms Debbie Low, 36A Shenley Road, Camberwell, London, SE5 8NN (“the
Applicant”)**

**Mr Robert Furlong, Flat 4, Friars park, Institution Road, Elgin, IV30 1QU (“the
Respondent”)**

Tribunal Members:

Ruth O'Hare (Legal Member) and Ann Moore (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined to make a payment order in the sum of One thousand
eight hundred and seventy pounds (£1870) with a time to pay direction at the
rate of £160 per month.**

Background

- 1 By application to the Tribunal the Applicant sought a payment order against the Respondent in respect of outstanding rent arrears. In support of the application the Applicant provided the following documentation:-
 - (i) Private Residential Tenancy Agreement between the parties dated 20 November 2020.
 - (ii) Rent Statement.

- 2 By Notice of Acceptance of Application the Legal Member with delegated powers of the Chamber President intimated that there were no grounds on which to reject the application. A Case Management Discussion was therefore assigned for the 28th November 2022 to take place by teleconference. A copy of the application paperwork together with notification of the date and time of the Case Management Discussion and instructions on how to join the teleconference was intimated to the Respondent by Sheriff Officers.

Case Management Discussion

- 3 The Case Management Discussion took place by teleconference on 28 November 2022. The Applicant was represented by Mr Charlie Beck. The Respondent was also in attendance. The Tribunal explained the purpose of the Case Management Discussion and asked the parties to address it on their respective positions.
- 4 Mr Beck explained that the Applicant sought an order for payment of the outstanding rent arrears in the sum of £1870. He confirmed that the Respondent had made efforts to reduce the arrears however the Applicant was seeking to protect herself by seeking the order. Mr Beck confirmed that the arrears stood at £1870, up to the 19th December 2022.
- 5 The Respondent confirmed that he had experienced some severe health issues which led to him losing his job. His health issues had now subsided and he was much better. The Respondent confirmed that he had taken on a temporary job to get back on his feet and he was now in permanent employment. He had been making payments towards the arrears of around £200 per month. He was grateful of the patience the Applicant had shown and the help they had offered him. He fully intended on carrying on making payments to reduce the arrears He offered to pay a minimum of £160 per month, but would endeavour to pay £200 where possible. He was concerned about setting himself up to fail if he was subject to an order for payments at the rate of £200 per month. Mr Beck confirmed that this proposal would be acceptable to the Applicant.

Findings in Fact and Law

- 6 The parties entered into a Private Residential Tenancy Agreement dated 20 November 2020.
- 7 The tenancy between the parties was a private residential tenancy as defined by section 1 of the 2016 Act.
- 8 In terms of Clause 8 of the said Tenancy Agreement the Respondent undertook to make payment of rent at the rate of £600 per calendar month.
- 9 As at the date of the Case Management Discussion arrears in the sum of £1870 were outstanding.

- 10 The Respondent is therefore liable to pay the sum of £1870 to the Applicant under the terms of the said tenancy agreement between the parties.

Reasons for Decision

- 11 The Tribunal was satisfied at the Case Management Discussion that it had sufficient information upon which to make a decision and that to do so would not be prejudicial to the interests of the parties. There were no substantive facts in dispute therefore the Tribunal did not consider there to be any requirement to fix a hearing in the matter as there were no issues to be resolved that required the hearing of evidence.
- 12 Based on its findings in fact the Tribunal was satisfied that the Respondent was due to pay the sum of £1870 to the Applicant. He had not sought to dispute the sum claimed and it was a matter of agreement between the parties that said sum was outstanding. The Tribunal further considered that it would be reasonable to make a time to pay direction at the rate of £160 per month which would clear the balance in just over a year. The Tribunal noted however that the Respondent would seek to pay £200 per month where possible.
- 13 The Tribunal therefore determined to make a payment order against the Respondent in the sum of £1870 with a time to pay direction ordering payments at the rate of £160 per month. The decision of the Tribunal was unanimous.

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

28 November 2022

Legal Member/Chair

Date