



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/19/2374

Re: Property at 171 Glasgow Street, Flat 2R, Ardrossan (“the Property”)

Parties:

Gary Easton, 15 Mount Pleasant, Stevenson, KA20 3ES (“the Applicant”)

Jodie McKerrell, 37 Jermond Drive, Irvine, KA12 9JL (“the Respondent”)

Tribunal Members:

Melanie Barbour (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

Background

1. An application was made to the First Tier Tribunal for Scotland (Housing and Property Chamber) under rule 111 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for payment of sum of £657.04 in respect of unpaid rent arrears.
2. The application contained,
 - a copy of the tenancy agreement; and
 - account statement
3. A case management discussion was fixed to take place on 24 September 2019. A copy of the application together with an application for time to pay direction was served on the Respondent.

4. On around 1 August 2019 the Respondent completed a time to pay application admitting liability for the debt and offering to pay £30 per month, and requested that the tribunal make a time to pay direction. On around 16 September 2019 the Applicant completed a time to pay response accepting the time to pay offer proposed.
5. Rule 18 of the 2017 Tribunal Rules provide that the tribunal may determine the proceedings without a hearing. The Respondent has admitted the debt and made a time to pay offer. The Applicant has accepted that offer. The tribunal therefore considers it is able to make sufficient findings to determine the case; and to do so would not be contrary to the interests of the parties.

Decision

6. The Tribunal (1) discharges the case management discussion and (2) grants an order in favour of the Applicant for SIX HUNDRED AND FIFTY SEVEN POUNDS AND FOUR PENCE (£657.04) STERLING against the Respondent. The Tribunal agreed to make a Time-to-pay Direction under Section 1(1) of the Debtors (Scotland) Act 1987, in the following terms: The Respondent is required to pay the sum of THIRTY POUNDS (£30) STERLING 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.

Melanie Barbour

Legal Member/Chair

23. 9. 19

Date