



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
Act 2014 (Act)**

Chamber Ref: FTS/HPC/CV/18/3130

**Re: Property at Room 4, 8 North Guildry Street, Elgin, Moray, IV30 1JR (“the
Property”)**

Parties:

**Mr Alan Frendo-Cumbo, 14 Albert Street, Monifieth, Angus, DD5 4JS (“the
Applicant”)**

**Mr Patryk Zantow, 12 South Covesea Terrace, Lossiemouth, IV31 6NA (“the
Respondent”)**

Tribunal Members:

Alan Strain (Legal Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the order for payment in the sum of £2,422 be
granted and that a Time to Pay Direction be granted for the sum of £40 per
month.**

Background

**This is an application for payment in respect of rent arrears arising from a Private
Residential Tenancy in terms of Rule 70 of the Procedure Rules.**

The Tribunal had regard to the following documents:

- 1. Application dated 20 November 2018;**
- 2. Tenancy Agreement commencing 10 November 2017;**
- 3. Schedule of Rent Arrears to 16 November 2018;**
- 4. Email of 18 February 2019 updating Schedule of Rent Arrears;**
- 5. Sheriff Officer Certificate of service dated 3 April 2019.**

Case Management Discussion (CMD)

The case called for a CMD on 15 April 2019. The Applicant and Respondent both participated by conference call.

The Applicant advised that the sum now sought was £2,422 as the sum of £173 had been recovered from Safe Deposit Scotland towards the rent arrears.

The Respondent accepted that he was due to make payment in this amount to the Applicant. He explained that he was out of work and in receipt of Universal Credit in the amount of £370 per month. He wished time to pay and offered to make payment at the rate of £40 per month. The Applicant confirmed that he was prepared to accept this.

The Tribunal accordingly was satisfied that it had sufficient information upon which to make a Decision and that it was fair to do so. As the Parties agreed the amount that was due and that the Respondent should have the opportunity to pay at the rate of £40 per month the Tribunal granted the order for payment and a Time to Pay Direction in the agreed amount.

Decision

Order for payment granted along with a Time to Pay Direction.

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.

Alan Strain

Legal Member/Chair

15 April 2019

Date