



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber)**

**Chamber Ref: FTS/HPC/CV/19/3376**

**Property : Flat 1/2, 23 Ardmelish Crescent, Glasgow G45 9JW (“Property”)**

**Parties:**

**Dalcomond Property Limited, The Barn, West Millrig, Wilston, Biggar ML12 6HU  
 (“Applicant”)**

**Rentahome Scotland Limited, 75 Glasgow Road, Paisley PA1 3PE ("Applicant's  
Representative")**

**Michael Fitzpatrick, Flat 1/2, 23 Ardmelish Crescent, Glasgow G45 9JW  
 (“Respondent”)**

**Castlemilk Law and Money Advice Centre, 155 Castlemilk Drive, Castlemilk,  
Glasgow G45 9UG ("Respondent's Representative")**

**Tribunal Members:**

**Joan Devine (Legal Member)**

**Elizabeth Dickson (Housing Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber)  
 (“Tribunal”) determined that an order for payment of £2075 at the rate of £86 per  
month should be made.**

**Background**

The Applicant sought an order for payment of £2,075 in respect of arrears of rent. The Applicant had lodged with the Tribunal Form F. The documents produced were a Private Residential Tenancy Agreement dated 21 August 2018 and a statement in respect of rent arrears. A Case Management Discussion ("CMD") took place on 15 January 2020. In advance of the CMD a time to pay application had been submitted on behalf of the Respondent. The outcome of the CMD was that the case was

adjourned to a full hearing. A direction was issued to the Parties in terms of which the Respondent was required to provide the Tribunal with an updated statement of his financial position with supporting documentation. A full hearing was fixed for 14 February 2020 at 2pm. In advance of the hearing the Respondent's Representative sent to the Tribunal a written representation along with a draft universal credit calculation, a note of expenditure and an estimated total benefits entitlement.

### **Hearing on 14 February 2020**

A Hearing took place before the Tribunal on 14 February 2020. The Applicant was represented by Sharon McKnight and Lesley Morrison of the Applicant's Representative. The Respondent was in attendance along with his father. The Respondent was represented by Angus McIntosh of the Respondent's Representative.

The Tribunal noted that an updated statement of arrears had been lodged showing arrears of £3,632.20 as at 21 December 2019. The Respondent's Representative noted that the application had not been amended to reflect that figure. The Applicant's Representative indicated that they were content to proceed only in respect of arrears of £2,075 as at 21 September 2019. The Respondent's Representative stated that sum was admitted by the Respondent.

The Tribunal then considered the application for time to pay. The Respondent's Representative took the Tribunal through his written representation, the note of income and expenditure and the universal credit calculation. He submitted that the Respondent's income would be such that he was in a position to pay the rent as it fell due plus £86 per month towards the arrears as at 21 September 2019. The Respondent told the Tribunal that he had applied for Universal Credit jointly with his partner. The application had been made the previous week.

The Applicant's Representative objected to the application for time to pay. They expressed concern that since September 2019 the rent had not been paid aside from a payment of £370 on 8 November 2019 and a payment of £17.80 on 3 December 2019. They expressed concern that no evidence had been provided to show that Universal Credit had been applied for or when the first payment would be received.

### **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a Tenancy Agreement for the Property dated 21 August 2018.
2. The rent in terms of the Tenancy Agreement was £525 per month.

3. The Respondent, had failed to make payment of rent due for the period up to 21 September 2019 totalling £2,075.

### Reasons for the Decision

The Tribunal determined to make an Order for payment of £2,075 at the rate of £86 per month. On the basis of the evidence provided, it appeared to the Tribunal that the Respondent would be in a position to pay a contribution of £86 per month towards the arrears whilst also making payment of the rent as it fell due.

### Decision

For the foregoing reasons, the Tribunal determined to make an Order for payment of £2,075 at the rate of £86 per month. The first payment should be made within 7 days of the date of service of the order.

### **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.**

J. Devine

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Joan Devine  
Legal Member

*14 February 2020*

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Date