



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/CV/20/2539

Re: Property at 2/1 630 Govan Road, Glasgow, G51 2AQ (“the Property”)

Parties:

Easilet Investments, 104 Bellgrove Street, Glasgow, G31 1AA (“the Applicant”)

Mr Daniel Obawole, 2/1 630 Govan Road, Glasgow, G51 2AQ (“the Respondent”)

Tribunal Member:

Melanie Barbour (Legal Member)

Decision

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 in relation to unpaid rent.
2. The application contained:-
 - a copy of the tenancy agreement
 - rental statement

Consideration of Decision

3. At the case management discussion on 10 February 2021 Mr Friel from 1-2 Let, appeared for the Applicant. Mr Obawole, the Respondent also appeared. Reference is made to that case management discussion note.

4. The Applicant's Agent advised that the rent arrears were still outstanding. The current rent arrears as at 10 February had though reduced to £1,600. He advised that there had been two further months of rent since the application had been made. He advised that the Respondent had paid the last two months' rent and further, he had also made a further payment of £200 which had reduced the arrears by £200. The last payment made towards rent was on 18 January 2021.
5. The Applicant's Agent advised that he understood that the Respondent had lost his job. He advised that his instructions were to seek an order for payment; however he also confirmed that the Applicant would accept a reasonable repayment arrangement, if rent payments were maintained.
6. The Respondent confirmed that he did not dispute the rent arrears. He agreed that rent was £450 per month in terms of the lease. He advised that he was a salesman and from August 2020 he had had problems earning a living and subsequently had lost his job. His partner was also receiving limited income. It had therefore not been possible to pay his rent at that time. He has now obtained further employment and was in fact seeking an additional job to assist in repaying the rent arrears. He was keen to repay the arrears but was unable to do so in a lump sum for the whole amount at this time.
7. I had decided to continue the case in order that the Respondent could complete the application and the Applicant could consider same. In the event that parties are agreed on the time to pay repayment proposal then matters could be concluded and a time to pay order granted without the need for a further case management discussion being held. In the event that parties cannot agree a repayment arrangement, then the application can come back to a further case management discussion.
8. By written procedure the respondent completed a time to pay application and submitted this to the tribunal. The applicant thereafter indicated in writing that he was prepared to accept the terms of the offer. I noted that the time to pay offer made provided very little disposable money to the respondent and I had the administration write to both parties suggesting that a lower monthly payment would be more realistic and seeking their views. Neither party responded to this enquiry. The applicant has however advised that the respondent has now submitted notice to leave.

Findings in Fact

9. The Tribunal found the following facts to be established:
 - a) A tenancy agreement was entered into between the Applicant and the Respondent for the property. It commenced on 26 August 2019.
 - b) Clause 8 of the tenancy agreement provided that monthly rent was £450.

- c) The rent account statement showed amounts due each month, amounts received, and rent outstanding and showed arrears as at 26 November 2020.
- d) That rent arrears up to 10 February 2021, totalled £1600.

Reasons for Decision

- 10. Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 provides that the First Tier Tribunal has jurisdiction in relation to civil proceedings arising from private residential tenancies. As this tenancy is a private residential tenancy, I am content that I have jurisdiction to deal with this case.
- 11. The tenancy agreement created obligations between the parties including, obligations to pay rent. The Respondent had failed to make these payments.
- 12. Based on the evidence submitted and having regard to the papers submitted including the application, I consider that I should make a payment order of £1600.00.
- 13. The respondent has completed a time to pay application offering to repay the debt at £200 per month. The applicant has confirmed that they would accept this repayment proposal.

Decision

- 14. I grant an order in favour of the Applicant for the Sum of ONE THOUSAND SIX HUNDRED POUNDS (£1,600.00) STERLING against the Respondent; and I also grant the time to pay application.

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.

M. Barbour

26 March 2021

Legal Member/Chair

Date