



**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**

**Chamber Ref: FTS/HPC/CV/21/2447**

**Re: Property at 5 Pirnmill Avenue, Motherwell, ML1 3PL (“the Property”)**

**Parties:**

**Mr Ron Logan, Casa Lamisa, Benicambra 286, Benitachell 03726 (“the Applicant”)**

**Mr Robert McNeil, 175 Logans Road, Motherwell, ML1 3PB (“the Respondent”)**

**Tribunal Members:**

**David Preston (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondent will need to the applicant to the sum of SIX THOUSAND FOUR HUNDRED AND SIXTY-EIGHT POUNDS 15 pence (£6468.15).**

1. Following the CMD on 3 February 2021, the tribunal issued a Note of Discussion in terms of which the CMD had been adjourned to today’s date to enable the respondent to prepare and submit a Time to Pay application. He had advised the tribunal that he had overlooked the Time to Pay application which had been included with the papers, but he was prepared to enter into an agreement to make payments to the applicant.
2. On 5 April 2022 the adjourned CMD was convened. Ms Leslie Barclay attended on behalf of the applicant. There was no appearance by or on behalf of of the respondent by 10:10.
3. Ms Barclay advised that the respondent had contacted her office and had offered to make payments at the rate of £300 per month commencing on 26 March 2022. When payment was not made on that date she contacted the respondent who advised that he had thought that the arrangement would need to be approved by

the tribunal. She said that she had explained the situation to him and that she intended to attend the CMD to obtain the Order. She advised that if payments were made regularly the Order would not be enforced. In any event the respondent would have an opportunity to make an application for a Time to Pay Direction if the Order required be enforced.

### **Outcome**

In the circumstances the tribunal determined that it was reasonable that the Order be granted as requested in the 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.**

David Preston

5 April 2022