



**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/22/3807**

**Re: Property at Penelopefield House, Forglen, Turriff, AB53 4LD (“the Property”)**

**Parties:**

**Mrs Patricia Steele, Penelopefield, Forglen, Turriff, AB53 4LD (“the Applicant”)**

**Mr Gavin Jamieson, Penelopefield House, Forglen, Turriff, AB53 4LD (“the Respondent”)**

**Tribunal Members:**

**Andrew Upton (Legal Member) and Angus Lamont (Ordinary Member)**

**Decision**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent is liable to make payment to the Applicant in the sum of **SIX THOUSAND SIX HUNDRED POUNDS (£6,600.00) STERLING**, and that a Time to Pay Direction should be made directing the Respondent to pay that sum at a rate of **SIXTY FIVE POUNDS (£65.00) STERLING** with the first payment to be made no later than seven days following intimation of this order.

**STATEMENT OF REASONS**

1. This Application called for its Case Management Discussion by teleconference call on 22 March 2023, together with the related application EV/22/3806. Both the Applicant and the Respondent were in attendance.
2. This is an Application for payment of sums which the Applicant contends are due under the Private Tenancy Agreement between the Parties. At the outset of the CMD, the Applicant asked the Tribunal to amend the sum claimed from

£3,490 to £6,600 to reflect arrears accrued since the Application had been lodged. The Respondent did not oppose the amendment.

3. The Respondent indicated that he did not dispute the sum claimed for was due, and that he had sent a Time to Pay Application to the Tribunal by ordinary post approximately two weeks prior to the CMD. Unfortunately, the Respondent's Time to Pay Application did not appear to have been received by the Tribunal prior to the CMD. In any event, it was somewhat overtaken by the amendment of the sum sued for.
4. The Respondent invited the Tribunal to make a Time to Pay Application in respect of the sum now claimed at a rate of £65.00 per week. The Applicant advised that she would be prepared to accept payment at that rate and was agreeable to a Time to Pay Direction being issued in those terms.
5. Accordingly, the Tribunal determined that the Respondent is liable to make payment to the Applicant in the sum of £6,600 in respect of unpaid rent and tenancy deposit due under the Private Residential Tenancy between the parties. The Tribunal made a Time to Pay Direction requiring the Respondent to make payment of the sum awarded at a rate of £65.00 per week until that sum is cleared, with the first payment to be made no later than seven days after intimation of the Tribunal's Order to that effect.

### **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.**

Andrew Upton

22/03/2023

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Legal Member/Chair

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Date