



**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/18/1263

Re: Property at 60 Dundonald Road, Irvine, KA11 4AW ("the Property")

Parties:

**Mrs Maragret Jane Williams, 499 Rooley Lane, Dudley Hill, Bradford, BD4 7SB
("the Applicant")**

**Ms Wendy Lindsay Wilson, 12 Pavilion Gardens, Irvine, KA11 2FH ("the
Respondent")**

Tribunal Members:

Maurice O'Carroll (Legal Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the
Tribunal") determined that the Respondent must pay the Applicant the sum of
£1125 in respect of rent arrears, together with Sheriff Officer expenses of
£74.16, giving a total of £1,199.16.**

Background

The Application for rent arrears and Sheriff Officer expenses was received by the Tribunal on 23 May 2018. A Case Management Discussion ("CMD") was arranged on 17 August 2018. Agents for the Respondent sought and were granted an adjournment by reason of the Respondent being on holiday on that date.

The matter again came before the Tribunal on 3 September 2018 by way of a telephone conference CMD. At the CMD, Heather Williams appeared on behalf of the Claimant Margaret Jane Williams who was also present. Miss Rosa McKay appeared on behalf of the Respondent who was not present.

At the reconvened CMD, Miss McKay sought a further continuation to allow her to take her client's instructions as she had just returned from holiday that morning.

That motion was opposed by Miss Williams on the basis that the Respondent was well aware of the claim and had been provided with ample opportunity to instruct her agents. She further pointed out that any further continuation might be lengthy as the Claimant herself was shortly due to go on holiday.

Having considered the matter, the Tribunal did not allow the continuation and proceeded to determine the application. The reason for refusal of the motion for a further adjournment was that the Respondent had requested the continuation on 17 August 2018 which had resulted in some delay due to holidays. Any further information that might be relevant had been sought by the Tribunal by letter dated 15 August 2018 but that communication had not been responded to.

The fact of the debt being due was not in fact disputed by the Respondent. The Tribunal considered that ample time to obtain instructions had been provided to agents for the Respondent and that it would be unfair to the Claimant to allow a further continuation.

The Tribunal therefore proceeded with the CMD.

The CMD

At the CMD, it was acknowledged on behalf of the Respondent that she had already accepted that the debt for rent arrears was due – see letter by Messrs Finlaysons dated 6 August 2018. A rent agreement was provided to the Tribunal along with relevant bank statements and a prior demand for payment of rent and a copy receipt of Sheriff Officer expenses. The Tribunal is therefore satisfied and finds that the debt by way of rent arrears and subsequent Sheriff Officer expenses are due by the Respondent to the Claimant.

Miss Williams sought the full amount due, but indicated that the Claimant would be amenable to entering into a payment plan agreement to ensure that the sum was repaid within 12 months.

The Tribunal therefore decided to make an order for payment in full for the sum of £1,199.16 being the amount due under rent arrears and the sum paid to Sheriff Officers. Before the Order so pronounced takes effect, the parties may, if so advised, enter into an agreement between themselves in relation to a schedule for payment of the sum found due.

The Tribunal therefore orders that the Respondent pay to the Claimant the sum of One Thousand One Hundred and Ninety Nine Pounds and Sixteen Pence (£1199.16) Sterling.

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.

MAURICE O'CARROLL

Legal Member/Chair

8/9/18

Date