



**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/19/2634**

**Re: Property at 7 Hillhouse Place, Stewarton, East Ayrshire, KA3 3HT (“the  
Property”)**

**Parties:**

**Mrs Esther McLinn, 3 Thomson Terrace, Stewarton, KA3 3BJ (“the Applicant”)**

**Miss Bobbie Clark, 30 Park Road, Galston, KA4 8ET (“the Respondent”)**

**Tribunal Members:**

**George Clark (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that the application should be decided without a  
Hearing and made an Order for Payment by the Respondent to the Applicant of  
the sum of £3,783.55.**

**Background**

By application, received by the Tribunal on 22 August 2019, the Applicant sought an Order for Payment in respect of arrears of rent and fuel bills that had become lawfully due by the Respondent to the Applicant. The sum sought was £3,783.55 and comprised arrears of rent of £3,470 and fuel bills of £313.55.

The application was accompanied by copies of tenancy agreement between the Parties, commencing on 5 January 2017 at a rent of £600 per month, a rent statement showing arrears (including fuel bills) of £3,783.55 as at 13 September 2018 and an e-mail from the Applicant to East Ayrshire Council confirming that the Respondent had vacated the Property on 26 January 2019.

On 14 November 2019, the Tribunal advised the Parties of the date, time and venue for a Case Management Discussion and the Respondent was invited to make written representations by 5 December 2019.

On 5 December 2019, the Respondent submitted a request for a Time to Pay Direction, admitting liability for the Applicant’s claim and offering to clear the sums

due at the rate of £10 per week. This was rejected by the Applicant on 10 December 2019 on the ground that the debt would only reduce by £520 per annum and the Respondent had made no effort to reduce the arrears in the period from January 2019, when she vacated the Property, to date.

### **Case Management Discussion**

A Case Management Discussion was held at Glasgow Tribunals Centre on the morning of 16 December 2019. The Applicant was present and was represented by Mrs Sharon McCourt of Stewart Residential, Stewarton. The Respondent was not present or represented. The Applicant asked the Tribunal to make an Order for Payment without a Hearing. She explained that the arrangement had been that the Applicant would pay the fuel bills and recoup the amounts due from the Respondent. The Respondent's offer to pay £10 a week was not acceptable as it would take 7 years to pay off the debt.

### **Reasons for Decision**

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required and that it would decide the application without a Hearing. The Tribunal was satisfied that the debt was admitted and that the sum sought was lawfully due by the Respondent to the Applicant. The Tribunal was also satisfied that the Applicant's rejection of the offer to repay the debt at £10 per week was reasonable, given that it would take 7 years for the debt to be cleared.

### **Decision**

The Tribunal determined that the application should be decided without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £3,783.55.

### **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.**

George Clark

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**Legal Member/Chair**

16 December 2019

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**Date**