



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/26/1722

Re: Property at 1 Mill Road, Huntly, Aberdeenshire, AB54 8EJ (“the Property”)

Parties:

Mr Phillip Brown, 73 Bogie St, Huntly, Aberdeenshire (“the Applicant”)

Mr Grant Milton, Flat G, 2 Union Lane, Ellon, AB41 9DS (“the Respondent”)

Tribunal Members:

Alastair Houston (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment of £532.00 together with a time to pay direction be made

1. Background

- 1.1 This is an application under rule 111 of the Chamber rules whereby the Applicant sought an order for payment of sums outstanding following the end of a private residential tenancy agreement between the parties. The application was accompanied by, amongst other things, a copy of the written tenancy agreement, a breakdown of the costs incurred and documentation from the Applicant's letting agents.
- 1.2 Prior to the Case Management Discussion, the Respondent lodged an application for a time to pay direction however, it was unclear from the application whether the sum sought was accepted by the Respondent. The Applicant lodged a response opposing the granting of a time to pay, in part, due to concerns over the consequences if payment was not made as proposed. Given the content of the documents lodged, the Tribunal elected to proceed with the Case Management Discussion rather than decide the matter on the papers only.

2. The Case Management Discussion

- 2.1 The Case Management Discussion took place on 2 September 2026 by teleconference. Both parties attended personally.
- 2.2 The Tribunal firstly sought to clarify whether or not the Respondent accepted that the sum sought by the Applicant was due. He confirmed that he did and wished to apply for a time to pay direction whereby the sum sought would be paid by instalments of £50.00 per month.
- 2.3 The Tribunal then heard from the Applicant. It clarified the position if the Respondent failed to make payment as proposed in that the time to pay direction would lapse in terms of section 4 of the Debtor (Scotland) Act 1987 ("the 1987 Act"). The Applicant confirmed that the application for a time to pay direction would still be opposed however, he may consider a higher rate of payment or a lump sum payment being made upfront followed by instalments of £50.00 per month.
- 2.4 The Respondent advised he was not in a position to increase payments beyond that proposed. The sum sought was not insignificant to him and he could not afford to pay a lump sum towards it.
- 2.5 The parties did not have anything further to add beyond that which had been said and had been lodged with the Tribunal. The Tribunal indicated it would adjourn and issue a written outcome to the parties.

3. Reasons For Decision

- 3.1 The Respondent confirmed he accepted the sum sought to be outstanding. Accordingly, the Tribunal considered it could determine the application without a hearing.
- 3.2 The sum of £532.00 was due and owing. The only issue for the Tribunal was whether it was reasonable in the circumstances to make a time to pay direction.
- 3.3 The Tribunal considered that it was. Whilst the debt had been outstanding since November 2025, the Applicant had been able to retain the deposit paid by the Respondent to reduce the sum outstanding to that claimed. The sum claimed was, relatively speaking, a low amount. The Respondent had provided a breakdown of his income and outgoings which did not demonstrate much in the way of free income. The offer made would repay the debt within a year and the Tribunal considered it reasonable.

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.

Alastair Houston

Legal Member/Chair

2 September 2026

Date