



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
Act 1988 (“the 1988 Act”)**

Chamber Ref: FTS/HPC/CV/26/1012

**Re: Property at 47 Marmion Road, Greenfaulds, Cumbernauld, G67 4AN (“the
Property”)**

Parties:

**Mr Robert Findlay, 1 West Balhalgardy Cottage, Inverurie, AB51 0HR (“the
Applicant”)**

**Ms Amanda Steen (AKA Montgomery), 47 Marmion Road, Greenfaulds,
Cumbernauld, G67 4AN (“the Respondent”)**

Tribunal Members: Ruth O’Hare, Legal Member, and Mary Lyden, Ordinary Member

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent is liable to pay the Applicant the sum of Seven thousand pounds (£7,000) under the terms of the assured tenancy agreement between the parties.

The Tribunal therefore determined to make a payment order in the sum of £7000.

The Tribunal further determined to make a time to pay direction requiring the Respondent to pay the sum by 35 monthly instalments of £194.44 followed by a final monthly instalment of £194.60 with payment to commence within 14 days of the date of this decision.

Background

- 1** This is an application for a payment order under Rule 70 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”) and section 16 of the 1988 Act. The Applicant sought to recover unpaid rent from the Respondent.
- 2** The application was accepted and referred to a tribunal for determination. A case management discussion (“CMD”) was scheduled to take place by teleconference

on 30 June 2026 at 10am. The Tribunal gave notice of the CMD to the parties in accordance with Rule 17(2) of the Rules. Said notice was served upon the Respondent by sheriff officers on 28 May 2026. The notice invited her to make written representations in response to the application no later than 17 June 2026 and advised that the tribunal may do anything at a CMD that it may do at a hearing, including making a decision on the application.

- 3 On 17 June 2026 the tribunal received an email from the Applicant's representative, McEwan Fraser Legal with a second inventory of productions, which included an updated rent statement and emails between the Applicant's representative and the Respondent. The Applicant's representative advised that they had received an application for a time to pay direction from the Respondent and provided a copy of the application together with their response opposing the proposal of £50 per week.
- 4 On 29 June 2026 the tribunal received an email from the Respondent with photographs of the property.

The CMD

- 5 The CMD took place on 30 June 2026 at 10am by teleconference. Ms Rosaleen Doyle of McEwan Fraser Legal represented the Applicant. The Respondent also joined the call.
- 6 The tribunal had the following documents before it:-
 - (i) The application form and supporting documents, including assured tenancy agreement between the parties, title sheet DMB15044, rent statement, rent recovery letters with proof of service, and emails between McEwan Fraser Legal and the Respondent.
 - (ii) Excerpt from the online landlord register confirming the Applicant's landlord registration.
 - (iii) The Applicant's second inventory of productions.
 - (iv) The Respondent's application for a time to pay direction and the Applicant's response.
- 7 The tribunal heard submissions from the parties on the application. The following is a summary of the key elements of the submissions.
- 8 Ms Doyle advised that the Applicant sought an order for payment in the sum of £17,741.03, albeit the arrears had now increased to £21,241. It was the equivalent of 30 months rent. The Respondent had not paid rent since October 2025. The Applicant had been left in financial hardship. The Applicant objected to the Respondent's time to pay application as it would take just under 8 years to clear the debt which the Applicant considered unreasonable.

- 9 The Respondent referred to her time to pay application, stating that she did not realise that submitting the application meant she was accepting the level of arrears. She was advised to submit the application by the council, who had told her that they could not consider her application for rehousing unless she had a payment plan in place. The Respondent explained that between 2020 and 2024 she had paid a reduced rent of £455 per month which the Applicant had not objected to until June 2024. The Respondent explained that she had buried her head in the sand in recent months.
- 10 The tribunal adjourned the CMD to deliberate, at which point parties left the call, before resuming the proceedings. The tribunal determined that it could not reach a decision following the CMD as it could not establish the level of the rent arrears lawfully due. The tribunal noted from the rent statement that the Applicant appeared to have tacitly accepted payments of £455 per month over a prolonged period of time, having not sought to pursue the contractual rent from the Respondent until June 2024. The tribunal considered that it would require to consider further evidence before reaching a decision on the application.
- 11 The tribunal therefore determined to refer the application to an evidential hearing. However, the tribunal advised the Applicant that he may wish to review the arrears position and if parties could reach agreement the tribunal may be in a position to proceed to a final decision in the absence of a hearing.
- 12 Following the CMD the tribunal received correspondence from Ms Doyle advising that parties had reached agreement on the rent arrears. Ms Doyle provided a joint motion signed by both parties which requested the sum claimed be amended to £7000, and a time to pay direction made requiring payments of £194.44 per month for 35 months followed by a final payment of £194.60.

Findings in fact and law

- 13 The Applicant is the owner and landlord, and the Respondent is the tenant of the property under an assured tenancy agreement.
- 14 The Respondent has accrued rent arrears in the sum of £7000.
- 15 The Respondent is liable to pay the Applicant the sum of £7000.

Reasons for decision

- 16 Rule 18 of the Rules states that the tribunal may make a decision without a hearing if *"the First-tier Tribunal considers that – (a) having regard to such facts as are not disputed by the parties, it is able to make sufficient findings to determine the case; and (ii) to do so will not be contrary to the interests of the parties"*.
- 17 The parties have now reached agreement on the level of arrears in this case and the Respondent's application for a time to pay direction. There are therefore no facts in dispute that would require the tribunal to proceed to a hearing as the tribunal is now in a position to make sufficient findings to determine the case.

18 The tribunal therefore determined to make a payment order in the sum of £7000. The tribunal further determined to make a time to pay direction requiring payments of £194.44 per month for 35 months followed by a final monthly payment of £194.60.

19 The decision of the tribunal was unanimous.

NOTE: This document is not confidential and will be made available to other First-tier Tribunal for Scotland (Housing and Property Chamber) staff, as well as issued to tribunal members in relation to any future proceedings on unresolved issues.

Ruth O'Hare

31 August 2026

Legal Member

Date