



**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/22/3647**

**Re: Property at South Lodge, Castlemilk, Lockerbie, DG11 1BU (“the Property”)**

**Parties:**

**Castlemilk Trust, Castlemilk House, Lockerbie, DG11 1BD (“the Applicant”)**

**Mr Michael Dent, South Lodge, Castlemilk, Lockerbie, DG11 1BU (“the  
Respondent”)**

**Tribunal Members:**

**Richard Mill (Legal Member) and Gerard Darroch (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that an order be granted against the Respondent for  
payment to the Applicant in the sum of Eight Hundred and Sixteen Pounds  
(£816)**

**The Tribunal also made a time to pay direction under Section 1(1) of the Debtors  
(Scotland) Act 1987 requiring the respondent to pay the sum of £60 per month  
until the full amount has been paid**

**Introduction**

1. This application seeks a payment order relating to arrears of rent and is under Rule 70.
2. A Case Management Discussion (CMD) took place on 17 March 2023 (when it was conjoined with an eviction application, now withdrawn). Matters were continued to a full hearing which took place by teleconference at 10am on 12 June 2023.

3. The applicant was represented by Ms Seonaid Sandham of Anderson Strathern Solicitors. Mr Gregory Smart, her trainee, and Miss Alison Green of the Castlemilk Trust estate office also joined the hearing. The respondent was represented by Mr Alasdair Bryce, solicitor. Parties were in agreement regarding the tribunal's disposal of the application.

### Findings and Reasons

4. The property is South Lodge, Castlemilk, Lockerbie DG11 1BU. The applicant is the Castlemilk Trust who is the landlord. The respondent is Mr Michael Dent who is the tenant.
5. The parties entered into a short assured tenancy which commenced on 1 April 2015. Monthly rent was agreed at £425 per month. The rent has increased periodically and is now £500 per month.
6. The respondent has fallen into arrears of the contractual rent. The applicant is entitled to recover arrears of rent due under and in terms of the written lease between the parties. The tribunal found the unchallenged detailed rent statement credible and reliable and attached weight to it. The sum sought in the written application was £2,616. This was amended under Rule 14A on 22 May 2023 by reducing the sum sought to £856. The arrears had further fallen by the date of the hearing to £816, being the sum now sought. The arrears were accepted on behalf of the respondent.
7. It was further agreed between the parties that a time to pay direction under the Debtors (Scotland) Act 1987 be made to require the respondent to pay the sum of £816 at a rate of £60 per month. The tribunal found this reasonable and made the payment order subject to such time to pay direction.

### **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.**

**R. Mill**

**12 June 2023**

**Legal Member/Chair**

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**Date**