



**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/23/2278

**Re: Property at 23U Ardessie Place, Wyndford, Glasgow, G20 8ER (“the
Property”)**

Parties:

Mr Lubomir Burian, 29 Farmstead Way, Bo’ness, EH51 9RT (“the Applicant”)

**Mr David Findlay, Ms Lauren Scallon, 22 Wyndford Road, Glasgow, G20 8EP
 (“the Respondents”)**

Tribunal Member:

Lesley-Anne Mulholland (Legal Member)

SUMMARY OF DISCUSSION

1. An application was made for a Payment Order under Rule 111 in respect of rent arrears.
2. The Applicant is the owner of the property. The Respondents are the tenants.
3. A Case Management Discussion was held remotely by telephone on 6 October 2023. This was continued until 13 November 2023 to allow the Applicant’s Representative to take instructions on a time to pay application.
4. On 13 November 2023 the Applicant was not present and was represented by Mrs Leanne Young. The 1st Respondent failed to attend both Case Management Discussions. The 2nd Respondent failed to attend the 1st Case Management Discussion but attended the discussion on 13 November 2023.
5. The Respondents entered into a tenancy agreement which specifies that £575 is due in respect of rent each calendar month payable in advance.
6. It is not disputed that the Respondents owe the Applicant £6,520.37 in respect of unpaid rent.

7. The Applicant's Representative informed me that the Applicant is not prepared to agree to time to pay as it would take more than seven years to pay off the principal sum. It is not reasonable to expect the Applicant to wait so long to recover unpaid rent.
8. Mr Finlay, 1st Respondent, made an application for time to pay. There he outlined his income and outgoings. It is clear that he is not in a position to repay the outstanding sum within a reasonable time. He is not working and his outgoings exceed his income.
9. The 2nd Respondent, Laura Scallon, offered to pay £75 per month which would take over seven years to repay the sum owed. Miss Scallon hopes that Mr Findlay will find work but has no indication of the timescale in which this might happen. She could not say what efforts he had made to find work or provide information on the difficulties he has had to date.
10. Miss Scallon informed me that she cannot work as she has a one-year-old and cannot afford childcare, however I understand that the father of the child is not working and therefore maybe in a position to look after the child.
11. Miss Scallon explained that after paying her bills, she only has £75 left every month to pay towards the outstanding sum.
12. Having considered all of the information individually and together, I am satisfied that the Respondents have accrued rent arrears in the sum of £6520.37, that these arrears have been outstanding for a substantial period and that it is not reasonable to grant a time to pay order as it would take more than seven years to repay the principal sum.

CONCLUSION

13. The Respondents have to pay the Applicant the sum of £6,520.37.

Decision

A Payment Order is granted requiring the Respondents to pay the Applicant the sum of £6,520.37.

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.

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

10 November 2023

Legal Member/Chair