



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber)**

**Chamber Ref: FTS/HPC/CV/24/0280**

**Re: Property at 17E Britannia Way, Renfrew, Renfrewshire, PA4 0LS (“the Property”)**

**Parties:**

**Mr David William Marshall, 28 Elm Road, Clydebank, G81 3PP (“the Applicant”)**

**Ms Emily Mary Calderwood, 7c Ailsa Road, Renfrew, Renfrewshire, PA14 0DB  
 (“the Respondent”)**

**Tribunal Members:**

**Virgil Crawford (Legal Member) and Melanie Booth (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that**

**BACKGROUND**

1. The Applicant let the Property to the Respondent. The start date of the tenancy was 22<sup>nd</sup> May 2022.
2. Rent payable was £550.00 per month, payable monthly and in advance.
3. The Applicant served notice upon the Respondent of his intention to seek recovery of possession of the Property. Following upon that the Respondent stopped making payment of rent. The Applicant thereafter raised proceedings for an order of payment of rent arrears.
4. As at the date of the application to the tribunal – 11<sup>th</sup> January 2024 – rent arrears amount to £2,750.00. As at the date of the case management discussion rent arrears amounted to £3,581.64.
5. The Respondent did not dispute the arrears. The Respondent forwarded a time to pay application to the tribunal making an offer of payment at the rate of £37.50 per week.

## THE CASE MANAGEMENT DISCUSSION

6. The Applicant did not participate personally in the case management discussion but was represented by Mr Livingston of Landlord Agents. The Respondent did not participate in the case management discussion. The Tribunal, however, was satisfied that the Respondent was well aware of the proceedings as she had attended the Tribunal's office in Glasgow having received notification of the case management discussion and case papers and lodged a time to pay application. In the circumstances, the Tribunal determined that it was appropriate to proceed with the case management discussion in the absence of the Respondent.
7. Mr Livingston, on behalf of the Applicant, moved the tribunal to amend the amount claimed to £3,581.64. An updated rent statement had previously been provided to the Respondent and the Tribunal. In the absence of the Respondent, and in the absence of opposition, the Tribunal allowed the claim to be amended in that way.
8. Given the acceptance by the Respondent of the rent arrears being due, as confirmed by the time to pay request lodged with the Tribunal, the only issue to be determined by the tribunal is whether to make a time to pay direction. The offer of payment by the Respondent was £37.50 per week. Having regard to the amount due, payment at that rate would take almost two years for payment in full. The Tribunal did not consider it appropriate to allow a time to pay direction which would take such a lengthy period of time for full payment. In the circumstances, the Tribunal granted an order for payment with no time to pay direction being made.

## **DECISION**

The Tribunal granted an order against the Respondent for payment of the sum of THREE THOUSAND FIVE HUNDRED AND EIGHTY ONE POUNDS AND SIXTY FOUR PENCE (£3,581.64) STERLING to the Applicant

## **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.**



24 May 2024

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Legal Member/Chair

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Date