

Housing and Property Chamber
First-tier Tribunal for Scotland



**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/24/5078

**Re: Property at Strathnaver, Greenhill Street, Dingwall, Ross-Shire, IV15 9JQ
("the Property")**

Parties:

**Julie Ross, Wharfdale, Cullicudden, Balblair, Dingwall, IV7 8LL ("the
Applicant")**

**Justyna Drewczynski, Marcin Drewczynski, Strathnaver, Greenhill Street,
Dingwall, Ross-Shire, IV15 9JQ ("the Respondents")**

Tribunal Members:

Andrew Upton (Legal Member) and Helen Barclay (Ordinary Member)

Decision (in absence of the Respondents)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the
Tribunal") determined that the Respondents are liable to make payment to the
Applicant in the sum of TWO THOUSAND ONE HUNDRED AND SEVENTY-FIVE
POUNDS (£2,175.00) STERLING together with contractual interest thereon at
the rate of 3% per annum above the Bank of England base rate from time to
time, running from the date of the decision of the First-tier Tribunal to grant
this order, being 28 April 2025, until payment; determined that the
Respondents' Time to Pay Application should be refused.**

Statement of Reasons

1. This Application called for its Case Management Discussion by teleconference on 28 April 2025. The Applicant was represented by Mr Dean, solicitor. The Respondents were not present or represented.
2. In this Application the Applicant seeks payment of a sum said to be due in rent arrears. The sum sued for is £2,175. In addition, the Applicant seeks

interest on that sum from the date of any decision until payment at the contractual rate of 3% per annum above the Bank of England base rate, in accordance with clause 2.2 of the tenancy agreement.

3. In advance of the CMD, the Respondents lodged a Time to Pay application. In terms thereof, the Respondents accepted that they were liable to pay the sum due, and sought to pay that amount in equal instalments of £100 per month. The Respondents set out their income and expenditure, which tended to suggest that the Respondents have a monthly deficit of £189. The Applicant opposed the Time to Pay Application on two grounds. Firstly, the income and expenditure schedule completed by the Respondents tended to suggest that the proposal was unaffordable. Secondly, the proposed rate would take 22 months to pay, without interest, which was too long a period.
4. The Respondents have admitted that the sum claimed for is due. The only question is whether their Time to Pay application should be granted. Having considered matters, the Tribunal agreed with the Applicant. The Tribunal was not satisfied that the Respondents would be able to pay the instalments proposed based on their income and expenditure schedule. In any event, the Tribunal considered that 22 months was too long a period for payment.
5. For those reasons, the Tribunal granted the order for payment, together with interest thereon. The Tribunal refused the time to pay application.

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.

Andrew Upton

28 April 2025

Legal Member/Chair

Date