

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017**

**Chamber Ref: FTS/HPC/CV/24/2283**

**Re: Property at 31 Davidson Street, Airdrie, ML6 0ED (“the Property”)**

**Parties:**

**LRJ Propertys Limited, 30 Oakbank Street, Airdrie, ML6 8LE (“the Applicant”)**

**Ms Claire Rock, Mr Nicholas King, formerly residing at 31 Davidson Street, Airdrie, ML6 0ED and now at 19 Maryston Road, Glasgow, G33 1NN (“the Respondents”)**

**Tribunal Members:**

**Fiona Watson (Legal Member) and David Wilson (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondents for payment of the undernoted sum to the Applicant:**

**Sum of THREE THOUSAND TWO HUNDRED POUNDS (£3,200) STERLING;**

The First-tier Tribunal for Scotland (Housing and Property Chamber) made a time to pay direction under Section 1(1) of the Debtors (Scotland) Act 1987, in the following terms:

**The Respondents are required to pay the sum of TWO HUNDRED POUNDS (£200.00) STERLING per calendar month until the full amount has been paid. The respondents must make two payments of £200 by no later than 30 June 2025, to represent £200 due for May 2025 and £200 due for June 2025. Thereafter, from 1 July 2025 the Respondents must make monthly payments of £200 on or around the 1<sup>st</sup> day of each calendar month. The first payment must be made no later than 14 days after intimation of this Order.**

- Background

1. An application was submitted to the Tribunal under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules"), seeking a payment order against the Respondents in relation to rent arrears accrued under a private residential tenancy agreement.

- The Case Management Discussion

2. A Case Management Discussion ("CMD") took place on 15 November 2024 by way of conference call. The Applicant was represented by their letting agent, Paul Clark. There was no appearance by or on behalf of the Respondents. The CMD was continued to another date to allow the Respondents a further opportunity to appear.
3. A further CMD took place on 24 January 2025 by way of conference call. The Applicant was again represented by their letting agent, Paul Clark. There was again no appearance by or on behalf of the Respondents. Following a telephone call to the Respondents, the tribunal clerk was advised that the first-named respondent was unwell and being looked after by the second-named respondent. The CMD was adjourned and a hearing fixed for evidence to be led, and to give the Respondents a final opportunity to appear.

- The Hearing

4. A Hearing took place on 23 May 2025 by way of conference call. The Applicant was represented by their letting agent, Paul Clark. Neither of the Respondents were present at the commencement of the Hearing, however the second-named Respondent appeared approximately 10 minutes after the Hearing had commenced.
5. The Applicant moved for the order for payment to be granted in the sum of £3,200. The parties had entered into a Private Residential Tenancy Agreement. The Respondents were no longer residing in the Property. The Respondents had failed to make payment of rent and at the time of submitting the application had fallen into arrears amounting to £3,750. Since submitting the application, the parties had reached agreement on a repayment proposal of an initial payment of £350 followed by payments of £200 per month. The payment £350 had been made and a payment of £200 in April 2025, but nothing had been paid since then. The arrears stood at £3,200. The Applicant sought an Order in that sum and was agreeable to the instalment arrangement being put in place if still agreed to by the Respondents.
6. The second-named Respondent submitted that it was accepted that the arrears fell due to be paid, and that the sum of £3,200 was due. It was submitted that

nothing had been paid since 1 April 2025 as the first-named Respondent had gone into labour at 7 months and had spent a period of time in intensive care with their prematurely born child. They were both now discharged from hospital and at home. The second-named Respondent submitted that he had forgotten about making the May payment due to these circumstances but was willing and able to make this payment up and to continue payments at the rate of £200 per month from June onwards. The second-named Respondent submitted that he is a self-employed sales consultant and the payment arrangement proposed is affordable to them.

- Findings in Fact

7. The Tribunal made the following findings in fact:

- (i) The parties had entered into a Private Residential Tenancy Agreement (“the Agreement”) which had since terminated;
- (ii) In terms of said Agreement, the Respondents were obliged to pay a monthly rent of £725 to the Applicant;
- (iii) The Respondents had failed to make payment of rent as fell lawfully due, and at the date of the Hearing had accrued arrears amounting to £3,200.

- Reasons for Decision

8. The Tribunal was satisfied that the Applicant was entitled to the sum as sought, and which sum was admitted by the Respondents. The Tribunal considered the information submitted by the Respondents by email and in particular the email to the Applicant’s representative of 20 March 2025 and their reply of 25 March 2025, confirming the proposed payment arrangement. The Tribunal was satisfied based on these emails lodged and the submissions made by both parties at the Hearing, that the proposal was a reasonable one and agreed between the parties.

- Decision

9. The Tribunal determined that an order is granted against the Respondents jointly and severally for payment of the undernoted sum to the Applicant:

Sum of THREE THOUSAND TWO HUNDRED POUNDS (£3,200)  
STERLING;

The Tribunal made a time to pay direction under Section 1(1) of the Debtors (Scotland) Act 1987, in the following terms:

The Respondents are required to pay the sum of TWO HUNDRED POUNDS (£200.00) STERLING per calendar month until the full amount has been paid. The Respondents must make two payments of £200 by no later than 30 June 2025, to represent £200 due for May 2025 and £200 due for June 2025. Thereafter, from 1 July 2025 the Respondents must make monthly payments

of £200 on or around the 1<sup>st</sup> day of each calendar month. The first payment must be made no later than 14 days after intimation of this Order.

### **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.**

Fiona Watson

**Legal Member/Chair**

**Date: 6<sup>th</sup> June 2025**