



**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**

Reference number: FTS/HPC/CV/24/3529

Order granted on 4 July 2025 in absence of the Respondent

Property: Flat 1/3, 99 Paisley Road West, Glasgow, G51 1LQ

Parties:

Southside Lettings (Scotland) Limited having its registered office at Southside House,
135 Fifty Pitches Road, Glasgow, G51 4EB
("the Applicant")

Mr Dean Boyle, residing at Flat 1/3, 99 Paisley Road West, Glasgow, G51 1LQ
("the Respondent")

Tribunal Members:

Paul Doyle (Legal Member)
Elizabeth Williams (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an order for payment should be made.

1. The Applicant submitted an application to evict the Respondent from the Property (the eviction Application) and an application for a payment order for rent arrears (the payment Application). The Applications were accepted for determination and a Case Management Discussion (CMD) took place on 7 March 2025 at 14.00 by teleconference. The applicant was represented by their solicitor. The respondent represented himself.
2. On 7 March 2025 the respondent admitted that his rental was significantly in arrears and made a proposal to pay the monthly rental and to clear the arrears of rental by making instalment payments. The CMD was continued until 4 July 2025 to allow the respondent to clear the arrears of rental.

Case Management Discussion

3. A case management discussion took place by telephone conference at 10.00am on 4 July 2025. The Applicant was represented by Mr I Black of Mellicks, solicitors. The respondent was neither present nor represented.

4. On 6 June 2025 the respondent wrote to the tribunal saying that he had a competing work commitment and could not attend the CMD. He asked for a postponement. His request for a postponement was refused, and the respondent was asked to set out his position in writing. The respondent made no further contact with the tribunal.

5. The case file discloses that the respondent has been given timeous notice of the date, time and method of joining the hearing. We can justly determine this application in the respondent's absence.

Preliminary Matters

6. When the application was submitted, the applicant's name was Southside Factoring & Related Services Limited. On 30 April 2025 the applicant's changed their name to Southside Lettings (Scotland) Limited. On the applicant's unopposed motion, their designation is changed to accurately reflect their name as it is now registered at Companies House.

7. The applicant produces an up-to-date schedule of arrears of rental which discloses that the respondent has made payments to reduce the arrears. The applicant asks to amend the sum claimed by reducing the sum applied for to £2,559.50 in terms of rule 14A of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. That application is unopposed.

8. The sum applied for is amended to £2,559.50.

Findings in Fact

9. The Tribunal made the following findings in fact:

(a) The Applicant and the Respondent entered into a Tenancy Agreement for the Property on 29 October 2018. In terms of clause 7 of the tenancy agreement the respondent agreed to pay rental at the rate of £552.00 per month. The rental was increased to £567 per month from August 2023

(b) The respondent has allowed rent arrears to accumulate since September 2019. Between June 2024 and August 2024, he did not pay any rental. When the application was submitted there were rent arrears of £6,037.80.

(c) Parties made arrangements for instalment payments to clear the arrears. Even though the respondent made payments to reduce the arrears of rental he did not adhere to the agreed schedule of payment by instalments,

(d) When the CMD was continued on 7 March 2025 the tribunal recorded

The purpose of the adjournment is to allow the Respondent time to make the following payments as agreed:

a. By 28th March 2025, an additional lump sum payment of £2000, the normal rent as it falls due of £638.17 and an additional payment in terms of the payment arrangement already in place of £200, totalling £2838.17.

b. By 28th April 2025, the normal rent as it falls due of £638.17 and an additional payment of £500, totalling £1138.17;

c. By 28th May 2025, the normal rent as it falls due of £638.17 and an additional payment of £500, totalling £1138.17;

d. By 28th of each month thereafter, the normal rent as it falls due and additional payments of £500 towards the arrears, until the arrears are cleared.

(e) The respondent has made payments to reduce the arrears of rental, but he has not adhered to the payment plan agreed at the CMD on 7 March 2025. At today's date there are still rent arrears of £2,559.50

(f) On 10 April 2024 the applicant served a notice to leave on the respondent in terms of s.50 of the Private Housing (Tenancies) (Scotland) Act 2016. On 1 August 2024 the applicant submitted this application to the tribunal.

(g) The respondent does not dispute that he owes the applicant £2,559.50.

Reasons for the Decision

10. At the CMD on 7 March 2025 the respondent agreed that he has amassed significant arrears of rental. He offered payment by instalments. He has made some payments to clear the arrears of rental but has not adhered to the instalment plan he offered at the CMD on 7 March 2025.

11. It is not disputed that the respondent still owes the applicant £2,559.50.

12. The applicant has been given more than one chance to clear the arrears of rental but has (once again) failed to adhere to an agreed payment plan.

13. For the foregoing reasons, the Tribunal determined to make an Order for payment. The Tribunal makes an order for payment of £2,559.50.

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.

P.Doyle

Legal member

Dated: 4 July 2025