



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 and Section 1(1) of the Debtors (Scotland) Act 1987

Chamber Ref: FTS/HPC/CV/24/5597

Re: Property at 10a Kirktonholm Place, Kilmarnock, KA1 3HW (“the Property”)

Parties:

Jeoux Ltd, 20-22 Wenlock Road, London, N1 7GU (“the Applicant”)

Miss Jade Baxter, 10a Kirktonholm Place, Kilmarnock, KA1 3HW (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member) and Frances Wood (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for payment in the sum of TWO THOUSAND FOUR HUNDRED AND TWENTY-FIVE POUNDS (£2425.00). The Tribunal made a time to pay direction under Section 1(1) of the Debtors (Scotland) Act 1987 requiring the respondents to pay the sum of £118.70 per month until the full amount has been paid.

Background

1. By application dated 4 December 2024 the applicant sought an order for payment in the amount of £2425 in respect of rent arrears. The case was conjoined with an application under reference FTS/HPC/EV/24/5600 in terms of which the applicant seeks an order for eviction on the grounds of rent arrears.

2. The applicant submitted a rent account and tenancy agreement with the application.
3. The respondent submitted an application for a time to pay direction dated 15 April 2025. She offered to make monthly payments towards the arrears of £118.70 comprising £78.80 direct deduction from her universal credit benefit with the remainder paid directly to the letting agent.
4. The respondent's representative, Vikki McGuire from Jewel Homes submitted a response to the application dated 5 June 2025. The response stated that the application for a time to pay direction was accepted.
5. A case management discussion ("cmd") took place via teleconference on 18 June 2025. Ms McGuire appeared on behalf of the applicant. The respondent did not attend and was not represented. Ms McGuire confirmed that the proposal was acceptable. She stated that since the application had been submitted the applicant had received a reduced payment from the DWP. She had contacted the respondent to discuss the issue however the proposed payment had not been made. Ms McGuire indicated that the applicant would consent to the time to pay direction however she did have concerns over whether the order would be adhered to in light of the recent shortfall.

Findings in fact

6. Parties entered into a private residential tenancy agreement with a commencement date of 30 November 2023.
7. Monthly rent payable is £425.
8. Rent arrears as at 4 December 2025 amounted to £2425.
9. Rent arrears as at 18 June 2025 have increased to £2488.45.
10. The respondent accepts that the amount sought is due.
11. The respondent has submitted a time to pay application to repay the debt at the rate of £118.70 per month.
12. The applicant has accepted the respondent's proposal.
13. The Tribunal considers it reasonable to grant a time to pay direction.

Reasons for the decision

14. The Tribunal had regard to application and documents lodged by both parties and Ms McGuire's oral submissions at the cmd.

15. The Tribunal considered the terms of the time to pay direction application submitted by the respondent.

16. Section 1 of the Debtors (Scotland) Act 1987 states:

(1) Subject to subsections (3) to (5) below and to section 14 of this Act, on an application by the debtor, the court or the First-tier Tribunal on granting decree for payment of any principal sum of money, shall, if satisfied that it is reasonable in all the circumstances to do so, and having regard in particular to the matters mentioned in subsection (1A) below, direct that any sum decerned for in the decree (including any interest claimed in pursuance of subsections (6) and (7) below) or any expenses in relation to which the decree contains a finding as to liability or both such sum and such expenses shall be paid—

(a) by such instalments, commencing at such time after the date of intimation by the creditor to the debtor of an extract of the decree containing the direction, payable at such intervals; or

(b) as a lump sum at the end of such period following intimation as mentioned in paragraph (a) above,

as the court or the First-tier Tribunal may specify in the direction.

(1A) The matters referred to in subsection (1) above are—

(a) the nature of and reasons for the debt in relation to which decree is granted;

(b) any action taken by the creditor to assist the debtor in paying that debt;

(c) the debtor's financial position;

(d) the reasonableness of any proposal by the debtor to pay that debt; and

(e) the reasonableness of any refusal by the creditor of, or any objection by the creditor to, any proposal by the debtor to pay that debt.


(2)A direction under subsection (1) above shall be known as a “time to pay direction”.

17. The Tribunal took into account that the respondent had stated in the time to pay application that the arrears had built up due to her low income and financial difficulties arising after a relationship breakdown. The respondent had now commenced permanent employment and was receiving universal credit from which direct deductions were being made towards the arrears.
18. The Tribunal took into account that the offer would repay the arrears within 21 months. The Tribunal gave particular weight to the fact that the applicant accepted the proposal.
19. In light of the above the Tribunal determined that it was reasonable to grant a time to pay direction.

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.

Mary-Claire Kelly


Legal Member/Chair

18 June 2025
Date