



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

Chamber Ref: FTS/HPC/CV/25/1090

Re: Property at 19 Cromdale Street, Glasgow, G51 4NA (“the Property”)

Parties:

Mr Neil Harrison, 1 Dougalston Gardens South, Milngavie, G62 6HS (“the Applicant”)

Ms Alexandra Nagy, 19 Cromdale Street, Glasgow, G51 4NA (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member) and Mary Lyden (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondent to the Applicant in the sum of £8432.14.

Background

1. By application dated 12 March 2025 the Applicant’s representatives Patten and Prentice LLP, Solicitors, Greenock, applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondent’s tenancy of the property. The Applicant’s representatives submitted a copy of the tenancy agreement together with a rent statement in support of the application.
2. By Notice of Acceptance dated 2 April 2025 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.

3. By email dated 22 July 2025 the Applicant's representatives submitted an application to increase the sum claimed to £8069.52 plus interest at 4% per annum.
4. Intimation of the CMD was served on the Respondent by Sheriff Officers on 23 July 2025.
5. By emails dated 1 September 2025 the Respondent submitted written representations to the Tribunal.
6. By email dated 3 September 2025 the Applicant's representatives submitted further written representations to the Tribunal including an updated rent statement.

The Case Management Discussion

7. A CMD was held by teleconference on 4 September 2025. The Applicant did not attend but was represented by Mr Kenneth Caldwell from the Applicant's representatives. The Respondent did not attend but was represented by Mr David Shone.
8. After explaining to the parties the purpose of a CMD the Tribunal noted from Mr Caldwell that the Respondent had vacated the property and the final rent due to the date of removal was £8432.14 and that this was the sum now claimed. For the Respondent Mr Shone accepted the sum claimed was due by the Respondent but that the Respondent was seeking time to pay as she had been left in difficult financial circumstances due to the actions of her former partner.
9. The Tribunal noted that the Applicant had submitted Court forms rather than tribunal forms seeking a Time to Pay direction in terms of the Debtors Scotland Act. Mr Shone thought that the correct forms had subsequently been submitted but the Tribunal Clerk was unable to find these on the Housing and Property Chamber system. In any event Mr Caldwell confirmed he had been made aware of the Respondent's financial position and was prepared to consider a verbal application for time to pay. Mr Shone explained to the Tribunal that after payment of the Respondent's outgoings the most she could pay the Applicant each month was £25.00.
10. For the Applicant Mr Caldwell said that this was not acceptable and that any offer would require to be for an amount that would clear the debt within eighteen months to two years.

11. Mr Shone advised the Tribunal that the Respondent was unable at this time to offer more and that she had debts in excess of £25000.00 and could apply for her own sequestration.
12. In response to a query from the Tribunal Mr Shone said that the Respondent was unable to increase her working hours due to having young children to look after.
13. Mr Caldwell asked the Tribunal to grant an order for payment in the sum of £8432.14 together with interest at the rate of 4% per annum. Mr Caldwell confirmed he was not seeking any expenses.

Findings in Fact

14. The Respondent owed rent of £8432.14 as at 26 August 2025 and this amount was still outstanding at the date of the CMD.

Reasons for Decision

15. The Tribunal was satisfied from the written representations and documents submitted by the Applicant's representatives together with the oral submissions of both parties that the Applicant was entitled to an order for payment by the Respondent in the sum of £8432.14.
16. The Tribunal did not consider it would be reasonable to grant a Time to Pay Order allowing the Respondent to make payment of the debt at the rate of £25.00 per month as it would take in excess of 28 years to clear the debt.
17. The Tribunal noted that there was no contractual entitlement to interest on unpaid rent in terms of the tenancy agreement and any award of interest was at the Tribunal's discretion in terms of Rule 41A of the Tribunal's Rules of Procedure. In the circumstances given the Tribunal did not consider it appropriate to award interest on the sum claimed.

Decision

18. The Tribunal finds the Applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £8432.14.

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.

G. Harding

04.09.2025

Legal Member/Chair

Date