



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 70 of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/25/0262

Re: Property at Flat 35, Wyvern House, School Lane, Inverness, IV1 1AG (“the Property”)

Parties:

Highland Housing Alliance, Fairways, Castle Heather, Inverness, IV2 6AA (“the Applicant”)

Ms Lucy Helen Duncan, Mr Ryan David Paterson, 3 Ryebank Court, Rosemarie, Fortrose, IV10 8XD; 7 Brae Terrace, Munlochy, IV8 8NG (“the Respondents”)

Tribunal Members:

Alison Kelly (Legal Member)

Decision (in absence of the First Named Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be made and that the Time To Pay Applications lodged by the Respondents should be refused.

Background

1. On 22nd January 2025 the Applicant lodged an application under Rule 111 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) seeking payment of a sum of rent arrears.
2. Lodged with the Application were:
 - a. Copy Private Residential Tenancy commencing 5th March 2021 and showing a rent of £598.51 per month
 - b. Rent Increase Notice increasing the rent to £630.83 from 1st May 2022
 - c. Rent Increase Notice increasing the rent to £648.17 from 1st August 2023
 - d. Rent Statement showing arrears of £1605.74 as at the end of the tenancy, 30th August 2023, and showing the deposit having been deducted as it was returned by the tenancy deposit scheme on 27th September 2023

- e. Invoice from Culloden Carpet and Upholstery Cleaning Ltd dated 25th September 2023 in the amount of £410
- f. Invoice from Highland Decoration Services dated 19th September 2023 in the amount of £826.80
3. The Application was served on the Respondent by Sheriff Officer on 15th August 2025.
4. On 22nd August 2025 the Second Named Respondent lodged a Time To Pay Application (TTP) accepting the debt and offering to pay at £50 per week.
5. On 8th September 2025 the First Named Respondent lodged a TTP accepting the debt and offering to pay at £50 per month.
6. On 10th September 2025 the Applicant's solicitor sent an email to the Tribunal accepting the TTPs and seeking that eight per cent interest be added to the sum to be paid.
7. The Legal Member wished the Case Management Discussion to proceed.

Case Management Discussion

8. The Case Management Discussion ("CMD") took place on 22nd September 2025 by teleconference. The Applicant was represented by Miss Mullen of TC Young, Solicitors. The First Named Respondent did not attend and was not represented. The Second Named Respondent did attend.
9. The Chairperson confirmed the purposes of a CMD in terms of Rule 17 of the Rules. She confirmed with the Second Named Respondent that he accepted that he was due to pay the debt and that he had offered to pay at £50 per week.
10. The Chairperson decided, after hearing from both parties that a reasonable and fair rate of interest was the current base lending rate, 4 per centum per annum.
11. The Chairperson said that she did not think it was competent to grant TTPs for two different amounts. Miss Mullen submitted that in terms of section 1 of the Debtors (Scotland) Act 1987 that it was.
12. Miss Mullen said that even if the TTPs were not granted the Applicant would accept the sums offered by way of instalment payments from the Respondents.

Findings in Fact

- i. The parties entered into a tenancy agreement for rent of the property;
- ii. The monthly rent was £598.51;
- iii. Rent Increase Notice increased the rent to £630.83 from 1st May 2022;

- iv. Rent Increase Notice increased the rent to £648.17 from 1st August 2023;
- v. The tenancy came to an end on 30th August 2023;
- vi. Arrears of rent at the end of the tenancy, after deduction of the deposit, which was returned by the tenancy deposit scheme on 27th September 2023, were £1605.74;
- vii. Invoice from Culloden Carpet and Upholstery Cleaning Ltd dated 25th September 2023 in the amount of £410 was incurred by the Respondents;
- viii. Invoice from Highland Decoration Services dated 19th September 2023 in the amount of £826.80 was incurred by the Respondents.

Reasons for Decision

- 13. The Respondents owe rent and repairs costs to the Applicant in the amount of £2842.54. The Respondents are jointly and severally liable for the outstanding sum.
- 14. The Tribunal refused the Time To Pay applications. They offered payment at differing amounts. Section 1 of the Debtors (Scotland) Act 1987 allows the Tribunal to grant a Time To Pay application if satisfied that it is reasonable in all the circumstances to do so. The Tribunal did not consider it reasonable to grant Time To Pay applications for two different amounts given that the liability is joint and several.

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.

22nd September 2025

Legal Member/Chair

Date