

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/25/1862

Re: Property at 5 McLauchlan Court, Darvel, KA17 0HH (“the Property”)

Parties:

Mr Colin Richmond, 54 Hutchison Drive, Darvel, KA17 0BL (“the Applicant”)

Miss Claire Brown, 5 McLauchlan Court, Darvel, KA17 0HH (“the Respondent”)

Tribunal Members:

Jim Bauld (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order should be granted for payment in the sum of THREE THOUSAND, EIGHT HUNDRED AND FIFTY POUNDS (£3,850.00)

Background

1. By application dated 30 April 2025, the applicant sought an order under section 16 of the Housing (Scotland) Act 2014 (“the Act”) and in terms of rule 70 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the procedure rules”).
2. On 3 June 2025 the application was accepted by the tribunal and referred for determination by the tribunal
3. A Case Management Discussion (CMD) was set to take place on 12 November 2025 and appropriate intimation of that hearing was given to both parties.

4. The application was heard together with a conjoined application involving the same parties for a eviction order under tribunal reference FTS/HPC/EV/25/1861

The Case Management Discussion

5. The Case Management Discussion (CMD) took place on 12 November 2024 via telephone case conference. The applicant was not present but was represented by Ms. Millie Archibald, solicitor, Wallace and Hodge, Ayr. The respondent was not present
6. The tribunal explained the purpose of the CMD and the powers available to the tribunal to determine matters.
7. The tribunal asked various questions of the applicant's solicitor with regard to the application and also indicated that the tribunal had read and considered written representations lodged by both parties prior to the CMD.
8. She confirmed that she wished the order for payment to be made.

Findings in Fact

9. The Applicant is the registered owner of the property.
10. The applicant and the respondent are respectively the landlord and the tenant of the property by means of a tenancy agreement originally commencing on 17 November 2017
11. The tenancy was a short assured tenancy in terms of the Act.
12. The initial agreed monthly rental was £450. Rent was increased to £500 per month on 17 September 2022.
13. At the date of the lodging of the application arrears amounted to £3850.
14. The amount of arrears at the date of the CMD was £6,850.
15. Appropriate accounting had been provided in respect of the outstanding rent with the application to the tribunal.

Reasons for Decision

16. The tribunal accepted the unchallenged evidence of the applicant regarding the outstanding sums. The tribunal noted that the respondent had failed to engage with both the applicant and with the tribunal despite having ample opportunity to do so.
17. The respondent had lodged an application dated 8 October 2025 for a Time to Pay Direction in terms of section 1 of the Debtors (Scotland) Act 1987 and offered to pay of £5 per week towards arrears and had then by email dated 29 October 2025 increased that offer to £50 per month. Even at £50 per month, it would take 77 months (or more than six years) to clear the arrears being claimed which stood at £3,850 when the application was lodged. That was an unacceptable length of time to the applicant who was not prepared to accept that offer.
18. The tribunal refused to grant the application for the Time to Pay Direction. In doing so the tribunal took into account the various matters set out in section 1A of the Debtors (Scotland) Act 1987. In particular the tribunal considered that the amount being offered by the respondent was not reasonable and would not result in the suM claimed being repaid within a reasonable timescale.
19. The tribunal also exercised the power within rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 and determined that a final order should be made at the CMD.

Decision

The order for payment of the sum of £ 3,850 is granted

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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

Jim Bauld

24/11/2025

Legal Member/Chair

Date