



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/25/3417

Re: Property at 39 Thorncroft Drive, Croftfoot, Glasgow, G44 5HW (“the Property”)

Parties:

Mr Andrew Cromar, Mrs Jacqueline Cromar, 54 Holmhills Terrace, Cambuslang, Glasgow, G72 8ER (“the Applicant”)

Ms Agnes McKay, 39 Thorncroft Drive, Croftfoot, Glasgow, G44 5HW (“the Respondent”)

Tribunal Members:

Jim Bauld (Legal Member) and Eileen Shand (Ordinary Member)

Decision

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 **FOUR THOUSAND, THREE HUNDRED AND FIFTY TWO POUNDS AND TWENTY FOUR PENCE (£4,352.24)**

Background

1. By application dated 8 August 2025 the applicants sought an order under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and in terms of rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017

2. On 26 August 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 16 February 2026 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 an eviction order under tribunal reference FTS/HPC/CV/25/34147

The Case Management Discussion

5. The Case Management Discussion took place on 16 February 2026 via telephone case conference. The applicants were present. The Respondent was also present and accompanied by Ms Cheryl Patrick
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 parties with regard to the application.
8. The applicants confirmed that they wished the order for payment to be made.

Agreed Findings in Fact

9. The Applicants are the registered owner of the property.
10. The Applicant and the Respondents as respectively the landlord and tenant entered into a tenancy of the property which commenced on 1 May 2022.
11. The tenancy was a private residential tenancy in terms of the Private Housing (Tenancies) (Scotland) Act 2016.
12. The initial agreed monthly rental was £550 per month.
13. Arrears had accrued over a number of months and at the date of the lodging of the application arrears amounted to £4,532.24.
14. Appropriate accounting had been provided in respect of the outstanding rent with the application to the tribunal.

Reasons for Decision

15. The tribunal noted that both parties agreed that the tenancy had terminated and that the arrears figure as at 1 Augst 2025 being the date of the application was £4,352.2410. The respondent accepted that the sum was owed to the applicants.

16. The respondent had lodged, shortly before the CMD, what bore to be an application for a Time To Pay Direction (“TTPD”) under the Debtors (Scotland) Act 1987. This application had not been exhibited to the applicants prior to the CMD.

17. The application did not set out the income of the respondent nor the amount which she was offering to pay in instalments.

18. The tribunal questioned the respondent with regard to her income. It was noted that she received income of £824 every four weeks in respect of universal credit which includes a housing element of £550. Additionally, she receives employment support allowance (“ESA”) of £280 per month and adult disability payment (“ADP”) of £500 per month. Her monthly income is thus in the region of £1600-£1700. Her outgoings listed on the TTPD application form (including ongoing rent of £550 per month) amount to approximately £1500 per month. The respondent offered £75 per month towards the accrued arrears.

19. The tribunal noted that the instalment payment being offered would mean that it would take over 58 months (or approximately five years) to repay the amount being claimed. It was noted that arrears had since increased by a further £3,300 although that sum did not form part of the amount being claimed in this application. In total it would take over 100 months (more than eight years) for the respondent to clear the debt at the amount being offered.

20. The applicants objected to the application for the TPPD. They took the view that the amount being offered was unlikely to be paid at all, given the history of the respondent’s non-payment of rent over the previous year.

21. The tribunal in determining whether to make a time to pay direction is required to be satisfied that it is reasonable in all the circumstances to make the order and in doing so is required to have regard to the matters mentioned in section 1(1A) of the 1987 Act. Those factors include the reasonableness of any proposal by the debtor to pay the debt.

22. Given the extent of the debt and the length of time that it would take to repay the debt if the proposed instalment offer was allowed, the tribunal has determined that it will not make the time to pay direction on the basis that the proposal is not reasonable in all the circumstances.

23. 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.

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.

Jim Bauld

16 February 2026

Legal Member/Chair

Date