

Housing and Property Chamber
First-tier Tribunal for Scotland



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/CV/25/4455

Re: Property at 43 Bilby Terrace, Irvine, North Ayrshire, KA12 9DP (“the Property”)

Parties:

Easton Property Limited, 2 Newfield Drive, Dundonald, South Ayrshire, KA2 9EW (“the Applicant”)

Ms Isabel Smith, 43 Bilby Terrace, Irvine, North Ayrshire, KA12 9DP (“the Respondent”)

**Tribunal Members:
Virgil Crawford (Legal Member)**

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

BACKGROUND

1. By Lease dated 24th and 26th May 2022 the Applicant let the Property to the Respondent.
2. Rent was initially payable at a rate of £475.00 per calendar month. Rent was increased to £500.00 per calendar month with effect from 1 September 2024.
3. The Respondent fell into arrears of rent.
4. By application to the Tribunal dated 15th October 2025 the Applicant sought a payment order. The Applicant sought an order for “all rent arrears due at the date of the hearing, currently amounting to £1,425.00, as at 15 October 2025.”

THE CASE MANAGEMENT DISCUSSION

5. The Applicant was represented by Mr S Easton. The Respondent participated in the Case Management Discussion personally. She was represented by Miss A Gibson of CHAP Ardrossan.
6. Mr Easton advised the Tribunal that the amount currently outstanding was £1,045.00. The Respondent has now vacated the Property and the tenancy is at an end. As a result, the arrears of rent will not increase further. Mr Easton sought a payment order in the sum of £1,045.00.
7. Miss Gibson, on behalf of Miss Smith, confirmed to the Tribunal that the arrears were admitted. Miss Smith, however, was seeking a time to pay direction.
8. Miss Gibson confirmed to the Tribunal that Miss Smith was content for the tenancy deposit, in an amount of £475.00, to be returned directly to the Applicant in partial satisfaction of the arrears of rent. Thereafter, Miss Gibson invited the Tribunal to grant a time to pay direction for the balance of £570.00 to be paid at the rate of £50.00 per calendar month.
9. Mr Easton considered that, given the level of arrears following deduction of the deposit funds, a period of one year to make payment in full was excessive. He had no objection in principle to a time to pay direction but would prefer full payment to be made within a shorter period.
10. The Tribunal requested Miss Gibson to provide details of the Respondent's income and outgoings to enable it to assess whether an offer to pay at a rate of £50.00 per month was reasonable. The Tribunal adjourned proceedings to enable Miss Gibson to consult with Miss Smith to obtain the necessary information and provide it to the Tribunal.
11. When the Tribunal reconvened Miss Gibson advised the following:-

- Miss Smith has an income of £2,100.00 per month.
- Her outgoings total £1,973.33 per month made up as follows:-

Item	Monthly amount
Rent	£ 550.00
Home contents and car insurance	£ 95.00
Council tax (including arrears)	£ 180.00
Gas and electricity	£ 150.00
Motor vehicle hire purchase	£ 250.00
Mobile telephone and internet	£ 60.00
Motor vehicle road tax	£ 20.00
Petrol	£ 100.00
Motor vehicle breakdown recovery	£ 35.00
Food and housekeeping	£ 180.00

Pet food	£ 43.33
Pet insurance & personal health insurance	£ 105.00
Hire purchase for TV	£ 35.00
Hairdressing	£ 50.00
Credit card debt	£ 60.00
Personal loan	<u>£ 60.00</u>
Total	£1,973.33

12. Mr Easton sought clarification in relation to the size of the property the Respondent is currently renting and whether she had any family members residing with her. He suggested that given the Respondent is now renting in the social sector, £550.00 per month is higher than would be expected as monthly rent for a one-bedroom property. If she is in a larger property, Mr Easton wished to know if she had any other person residing with her who was able to contribute to household costs.
13. Miss Gibson advised that the Respondent is currently renting a two-bedroom property but no other person resides with her. Previously, her adult son resided with her. He, however, now resides elsewhere with his own partner.
14. Mr Easton again suggested that a time to pay direction in the sum of £50.00 per month would take longer than he would wish for full payment to be made. He suggested a figure of £75.00 per month to be more reasonable.
15. Whether a time to pay direction is made and, if so, the amount to be paid in regular instalments is, of course, a matter for the discretion of the Tribunal. The Tribunal determined that it was appropriate to make a time to pay direction in the case.
16. Based on the agreement between the parties that the tenancy deposit would be returned to the Applicant and thereafter be applied to any payment order granted, the Tribunal ordered that the sum of £475.00 is to be paid within 28 days. Thereafter, the balance due, being £570.00, is to be paid at the rate of £50.00 per calendar month.
17. While the Tribunal understood Mr Easton's position that he would wish an amount of less than £600.00 to be paid more swiftly, on the basis of the schedule of income and expenditure provided on behalf of the Respondent, which disclosed a free monthly income of £126.67, the Tribunal considered that making a time to pay direction in an amount greater than £50.00 per month may be unaffordable for the Respondent. The Tribunal did not wish to make an order which was not likely to be adhered to and, in all the circumstances, considered it reasonable to make the order as stated.

DECISION

The Tribunal granted an order against the Respondent for payment of the sum of ONE THOUSAND AND FORTY FIVE POUNDS (£1,045.00) STERLING to the Applicant.

The Tribunal made a time to pay direction under Section 1(1) of the Debtors (Scotland) Act 1987, in the following terms:

The respondent is required to pay the sum of FOUR HUNDRED AND SEVENTY FIVE POUNDS (£475.00) STERLING within a period of 28 days from 13th April 2025;

Thereafter the respondent is required to pay the sum of FIFTY POUNDS (£50.00) STERLING per calendar month until the full amount has been paid. The first payment of £50.00 must be made no later than 11th June 2026.

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.

V Crawford

Legal Member/Chair

Date: 13th April 2026