

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/25/3492

Re: Property at 34 Holehills Drive, Airdrie, ML6 6QF (“the Property”)

Parties:

**Mr Andrew Hunter, 2a Westmount Park, Newtownards Co, Down, B23 4BP
 (“the Applicant”)**

**Ms Jade Louise McDougall, 34 Holehills Drive, Airdrie, ML6 6QF; Mr Neil Frank
 McDougall 13 Laggan Road, Airdrie, ML6 6LH; (“the Respondents”)**

Tribunal Members:

Virgil Crawford (Legal Member)

Decision (in absence of the Respondents)

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

BACKGROUND

1. The Applicant let the Property to the First Named Respondent, Jade Louise McDougall. The copy lease provided to the Tribunal was undated.
2. The Second Named Respondent, Frank McDougall, is named within the lease as a guarantor. The lease states “the Guarantor guarantees all payments of rent, any other obligations under this agreement and any other payments due to the Landlord which the Tenant is required to pay under this agreement.....”
3. The start date of the tenancy was 28th December 2017.
4. Rent was initially payable at a rate of £425.00 per calendar month. Rent appears to have been increased to £525.00 per calendar month and thereafter to £585.00 per calendar month.
5. Jade Louise McDougall fell into arrears of rent. An application was presented to the Tribunal on 14th August 2025 seeking an order for payment. The arrears of rent at that stage amounted to £1,940.00. The application sought a payment order against both the First Named Respondent as tenant and the

Second Named Respondent as guarantor of the payment obligations due by the First Named Respondent.

6. On 6th March 2026 the Applicant's representative submitted an updated rent statement to the Tribunal and sought an amendment to the amount claimed. Rent arrears, as at that date, amounted to £2,995.00.

THE CASE MANAGEMENT DISCUSSION

7. The Applicant was represented by Mr J McAulay. Both Respondents participated personally
8. Mr McAulay confirmed arrears of rent amounted to £2,995.00. He moved the Tribunal to make a payment order in that amount. He confirmed the Applicant did not seek to have interest awarded nor to make any claim for expenses.
9. The First Respondent, Jade Louise McDougall, confirmed she was the tenant of the Property. She admitted arrears of rent in the amount of £2,995.00. She explained, however, that the arrears had arisen during a difficult period of her life. She has been a tenant of the Property for a long time and has been a good tenant. She has already started trying to make payment towards the arrears and has recently been trying to pay £100.00 per month towards the arrears.
10. Upon discussing the matter further with the Tribunal, she acknowledged that, given there are arrears of rent, and given she admits the arrears presently amount to £2,995.00, there is no basis upon which the Tribunal can refuse to grant a payment order against her.
11. The Tribunal enquired in relation to a time to pay direction. Miss McDougall advised the Tribunal that she would be willing to make payment at the rate of £150.00 - £200.00 per month. The Tribunal enquired as to whether the amounts suggested by her were affordable.
12. Mr McAulay, on behalf of the Applicant advised that a time to pay direction in the sum of £200.00 per month, which would clear the arrears of rent within a 15 month period, would be acceptable to the Applicant. The Tribunal pointed out, however, that if it was making a time to pay direction, it would require to be one which was able to be adhered to by the Applicant and would enable the debt to be cleared within a reasonable period of time. After further discussion with the Applicant, the Tribunal made a time to pay direction in the amount of £150.00 per month which, if adhered to, will result in the arrears of rent being cleared within a period of 20 months.
13. In relation to the Second Named Respondent, he confirmed that his full name is Neil Frank McDougall. It is unclear to him why he is designed as simply "Frank McDougall" within the lease. He confirmed, however, that he is the father of the First Named Respondent and that he is the Guarantor within the lease.

14. The Second Named Respondent did not dispute that arrears of rent amounted to £2,995.00. He accepted that, having signed as guarantor within the lease, he is legally responsible for payment of the debt. He accepted, in the circumstances, there was no basis upon which the Tribunal could refuse to grant a payment order against him.
15. In relation to a time to pay direction, he advised that, due to his own personal circumstances, he was not in a position to make any payment at all. It was acknowledged, however, that a time to pay direction will be made on the basis of information provided by the First Named Respondent.
16. In the circumstances, the Tribunal amended the amount claimed to £2,995.00 and thereafter granted a payment order in that amount. It was explained to the Respondents that a payment order in that amount would be made against them both and that this would be a joint and several liability.

DECISION

The Tribunal granted an order against the Respondents **JOINTLY AND SEVERALLY AND SEVERALLY** for payment of the sum of **TWO THOUSAND NINE HUNDRED AND NINETY FIVE POUNDS (£2,995.00) STERLING** to the Applicant.

The respondents are required to pay the sum of **ONE HUNDRED AND FIFTY POUNDS (£150.00) STERLING** per **MONTH** until the full amount has been paid.

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.

Virgil Crawford

20th March 2026

Legal Member/Chair

Date