



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Regulations”)

Chamber Ref: FTS/HPC/CV/25/5525

Re: Property at 9 Akers Avenue, Dumfries, DG1 1UQ (“the Property”)

Parties:

Mr Thomas White, 10 Craiglea Avenue, Stranraer, DG9 0BN (“the Applicant”)

Mrs Kerry Hunter, Unknown, Unknown (“the Respondent”)

Tribunal Members:

Nicola Weir (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the Respondent in the sum of £3,668 should be made in favour of the Applicant, subject to a Time to Pay Direction.

Background

1. By application received on 23 December 2025, the Applicant applied to the Tribunal for an order for payment of rent arrears of £3,668 against the Respondent. Supporting documentation was submitted in respect of the application, including a copy of the tenancy agreement, a rent statement and copies of correspondence between the parties.
2. Following initial procedure, on 17 February 2026, a Legal Member of the Tribunal with delegated powers from the Chamber President issued a Notice of Acceptance of Application in terms of Rule 9 of the Regulations.
3. A Case Management Discussion (“CMD”) was fixed for 8 June 2026. The application and details of the CMD fixed were served on the Respondent by

Sheriff Officer on 7 May 2026. In terms of said notification, the Respondent was given an opportunity to lodge written representations.

Time to Pay Application and Response

4. On 11 May 2026, by email, the Respondent lodged a completed application for a Time to Pay Direction. She admitted the amount of the debt claimed by the Applicant and offered to pay the sum of £3,668 to the Applicant at the rate of £150 per month. She confirmed that she was in full-time employment, had one dependent child under the age of 18 and provided details regarding her monthly salary and outgoings. She explained that the arrears had come about due to her being absent from work long-term with a back injury and being put onto half-pay. She had other debts too and ran into difficulties with her rent. She advised that she had sought debt advice from a charity and that they are assisting her with making debt arrangements. She intends to arrange for deductions to be made direct from her wages to make these payments to the Applicant and confirmed that they had previously had discussions regarding the arrears and agreed that they could be paid off at the rate of £150 per month. The Respondent further explained that the address at which the Tribunal papers were served is her parents' address and that she will shortly be moving out. She accordingly requested that the Tribunal send further correspondence to her by way of email and that she will intimate her forwarding address in due course.
5. A copy of the Time to Pay application was intimated to the Applicant who responded by email on 18 May 2026, attaching the Response Form, confirming that he was content to accept the Time to Pay offer made by the Respondent.
6. The Legal Member accordingly instructed that the CMD scheduled for 8 June 2026 at 2pm should be cancelled and parties were advised accordingly.

Findings in Fact

1. The Applicant is the owner and landlord of the Property.
2. The Respondent was the tenant of the Property by virtue of a Private Residential Tenancy which commenced on 2 April 2024.
3. The tenancy ended on or around July 2025 and the Respondent vacated the Property.
4. The rent due in respect of the tenancy was £525 per calendar month.
5. A deposit was also paid to the Applicant at the outset of the tenancy.
6. There was a background of rent arrears in respect of the tenancy, with rent payments being missed altogether between September 2024 and April 2025.

7. Payments towards the rent account were made in May 2025 (£150) and July 2025 (£550 and £525 plus 4 days' rent).
8. The Applicant deducted the sum of £425 from the arrears balance in August 2025, in respect of return to him of the tenancy deposit.
9. The rent arrears owing following the end of the tenancy amounted to £3,668.
10. The arrears currently owing still amount to £3,668.
11. The Respondent had been called upon by the Applicant to make payment of the rental arrears or enter into a satisfactory payment arrangement but had failed to do so.
12. The Applicant submitted his application to the Tribunal on 23 December 2025, claiming the sum of £3,668.
13. The Respondent admits the sum due and made an application for a Time to Pay Direction in the sum of £150 per month, which was agreed by the Applicant.
14. The sum of £3,668 is due and resting owing to the Applicant by the Respondent in respect of unpaid rent arising from this tenancy.

Reasons for Decision

1. The Tribunal gave careful consideration to all of the background papers including the application and supporting documentation, particularly the tenancy agreement and rent statement and the terms of the application for a Time to Pay Direction submitted by the Respondent and the Response form submitted by the Applicant.
2. The Tribunal found that the payment application was in order and that the sum of £3,668 sought in terms of this application was owing by the Respondent in respect of unpaid rent. The Respondent admitted same and explained the reasons for the rent arrears arising, together with her confirmation that she had now sought debt advice and her proposals for payment at the rate of £150 per month. It was noted by the Tribunal that the Respondent proposed to arrange direct deductions from her wages in respect of the payments to be made to the Applicant. The Applicant had requested in his application that the Tribunal orders deductions from the Respondent's wages. The Tribunal does not have power to impose such a requirement but it is hoped that the Respondent will put the necessary arrangements in place. The Tribunal also requests that the Respondent advises the Applicant directly of her forwarding address as this has not yet been intimated to the Tribunal by the Respondent.
3. The Tribunal accordingly determined that an order for payment in the above sum could properly be granted at this stage as there were no facts in dispute nor any other requirement for a hearing to take place.

4. In terms of Section (1)(a) of the Debtors (Scotland) Act 1987, the Tribunal, being satisfied that it is reasonable in all the circumstances to do so, directed that the sum claimed by the Applicant shall be paid by instalments of £150 per month, commencing within 30 days of intimation of the Order.

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.

Nicola Weir

Legal Member/Chair

4 June 2026
Date