

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) under Section 71 of the of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”)

Chamber Ref: FTS/HPC/CV/25/4664

Re: Property at Flat 2, 12 Schoolhill, Aberdeen, AB10 1JX (“the Property”)

Parties:

Manson Kerr LTD, 25 Hawthorn Road, Erskine, Renfrewshire, PA8 7BT (“the Applicant”)

Ms Amber Wiseman, 7/18 Crovie, Gardenstown, Banff, AB45 3JQ; (“the First Respondent”)

Miss Robyn Elizabeth Olive Wiseman, Attic Right, 13 Rosebank Place, Aberdeen, AB11 6XN (“the Second Respondent(s)”)

Tribunal Members:

Craig Chisholm (Legal Member)

Decision (in absence of the First 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 Six Thousand and Sixty Pounds and Fifty-Five Pence (£6,060.55) Sterling against the First Respondent under a time to pay direction under Section 1(1) of the Debtors (Scotland) Act 1987, in the following terms:

The First Respondent is required to pay the sum of One Hundred Pounds (£100.00) Sterling per Month until the full amount has been paid. The first payment must be made no later than 14 October 2026 after intimation of this Order.

Background

1. By application dated 30 October 2025, the Applicant sought an order in terms of rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Procedure Rules”).
2. On 8 December 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 14 August 2026, and appropriate intimation of that hearing was given to all parties.

The Case Management Discussion

4. The CMD took place on 14 August 2026 *via* telephone conference call. Mr Lee appeared on behalf of the Applicant, being one of the Directors of WGS Developments Ltd. The Applicant was represented by Ms Richardson of Messrs Letts & Co Properties. The First Respondent was not personally present or represented at the CMD. The Second Respondent was personally present.
5. The Tribunal explained the purpose of the CMD and the powers available to the Tribunal to determine matters.
6. The Tribunal asked various questions of the Applicant’s representative and Second Respondent with regard to the application.
7. The Applicant’s representative confirmed the Applicant wished for the order for payment to be made.
8. The Second Respondent confirmed their opposition to an order being made against them on the basis they had vacated the Property in October 2021.

Findings in Fact

9. The Applicant is the registered owner of the Property.
10. The First and Second Respondent entered into a Private Residential Tenancy Agreement (PRT) in terms of the 2016 Act for the Property, which commenced on 15 July 2021. Wordies Properties Ltd was the named Landlord on said PRT. The Applicant purchased the Property on 11 October 2023 and assumed the Landlord’s interest at that date in terms of section 45 of the 2016 Act.
11. The Second Respondent vacated the Property in October 2021.

12. Monthly rental was £450 per month. Rent was increased to £504 per month on 15 November 2024.
13. The PRT ceased on 25 November 2025.
14. Arrears accrued from November 2023 until the First Respondent vacated the Property. At the date of the lodging of the application arrears amounted to £6,060.55.
15. The Applicant provided appropriate accounting for the outstanding rent as at the date of the application.
16. The First Respondent lodged an Application for a Time to Pay Direction under the Debtors (Scotland) Act 1987 on or around 15 April 2026. The Application lodged admitted liability for the sums noted in the Form F application. The proposed request for a time to pay direction sought the sums paid by instalments at the rate of £100.00 per month. The First Respondent outlined their financial position in the application. They are unemployed and on benefits. The proposed instalment represents approximately 30% of the First Respondent's monthly income.
17. The Application for a Time to Pay Direction was intimated on the Applicant. The Applicant was required to lodge a response form by 6 May 2026. No response was received within the timeframe to do so.

Reason for Decision

18. The Tribunal accepted the evidence of the Second Respondent that she had vacated the Property and was therefore not liable for any outstanding rent after October 2021. No evidence was presented to contradict this position.
19. In accordance with the Rule 41H (4) of the Procedural Rules, where no written objection is received from the creditor within the 14-day period, The Tribunal must make a time to pay order in accordance with the application. Accordingly, the Tribunal was bound to grant the Time to Pay Direction.
20. The Tribunal exercised its powers under Rule 17 of the Procedural Rules and determined that a final order should be made at the CMD.

Decision

21. The Tribunal dismissed the case against the Second Respondent.

22. An order for payment of the sum of Six Thousand and Sixty Pounds and Fifty-Five Pence (£6,060.55) Sterling against the First Respondent under a time to pay direction under Section 1(1) of the Debtors (Scotland) Act 1987, in the following terms:

The First Respondent is required to pay the sum of One Hundred Pounds (£100.00) Sterling per Month until the full amount has been paid. The first payment must be made no later than 14 October 2026 after intimation of this 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.

Craig Chisholm

14th August 2026

Legal Member/Chair

Date