



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) rule 70 (Application for civil proceedings in relation to an assured tenancy under the Housing (Scotland) Act 1988) of Schedule 1 to the First-tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 rules”)

Chamber Ref: FTS/HPC/CV/26/0827

Re: Property at 5 Fir Place, Johnstone, PA5 0DL (“the Property”)

Parties:

Mrs Diane Hurley, 3 Charnwood Avenue, Johnstone, PA5 0AF (“the Applicant”)

Mrs Arlene Coombes, 5 Fir Place, Johnstone, PA5 0DL (“the Respondent”)

Tribunal Members:

Elaine Paton (Legal Member) and Angus Lamont (Ordinary Member)

Decision (in absence of the Applicant and the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the Respondent of the sum of TWO THOUSAND FOUR HUNDRED AND SEVENTEEN POUNDS (£2,417) STERLING be granted in favour of the Applicant, that under Time to Pay Direction whereby the Respondent is required to pay the sum of £100.00 per calendar month towards the £2,417 arrears sum stated until that full amount has been paid. The first payment must be made no later than 7 days after intimation of the order, and thereafter £100.00 must be paid by the respondent on or before the 13th day of each month

Said payment of £100 each calendar month is required to be paid by the Respondent in addition to any rental charge(s) they are obliged to maintain on an ongoing basis.

Background

1. An application was received from the Applicant’s representative on 19 February 2026 seeking a payment order in terms of rule 70 (Application for civil proceedings in relation to an assured tenancy under the Housing (Scotland) Act 1988) of Schedule 1 to the First-tier Tribunal for Scotland (Housing and

Property Chamber) (Procedure) Regulations 2017 ("the 2017 rules"). Lodged with the application was a short assured tenancy agreement with relative AT5, rent arrears statement.

2. On or around 26 March 2026 the Applicant's representative lodged and an updated rent arrears summary with an application to increase the sum sought from £1,582 to £2,176. The arrears summary was sent to the Respondent the same day.
3. A copy of the application was served on the Respondent by Sheriff Officers on 02 June 2026. The parties were notified that a case management discussion ("CMD") would take place by telephone conference call on 08 July 2026 at 10am and that they were required to take part. The application had been scheduled to call at the same time as a connected application for eviction between the Applicant and the Respondent and another individual under Chamber reference. FTS/HPC/EV/25/3936. The Respondent was invited to lodge written representation in response to the application. On or around 16 June 2026, the Respondent provided information about her health and circumstances comprised within a Time to Pay application. On 06 July 2026 the Applicant's representative lodged an acceptance on behalf of the Applicant regarding the Respondent's Time to Pay application.

The CMD

4. The CMD took place on 08 July 2026. The Applicant was not present but was represented by Ms Deans of Emmerson Homes of 36 High Street, Johnstone ("Emmerson Homes"). The Respondent did not participate and was not represented. The application for an eviction order under Chamber reference EV/25/3936 was discussed.
5. The Tribunal noted that in terms of the tenancy arrangement the tenants were joint and severally liable regarding their obligations under the short assured tenancy agreement.
6. The Tribunal noted the Respondent admitted there are arrears of rent due by her. The Respondent's Time to Pay application comprises an offer to maintain the ongoing monthly rental sum plus £100 per month towards the arrears of rent with additional sum(s) in addition thereto as and when she could afford. The Respondent makes reference in her application to having made certain payments towards the arrears over and above her rent and references payments during April 2026. The Tribunal noted the Respondent's Time to Pay Application was agreed by Ms Deans on behalf of the Applicant but the Tribunal was without the benefit of context in order to progress determination of the application at the time.
7. The Tribunal noted the following are matters not in dispute between the parties:
 - (a) The Applicant is the owner and landlord of the Property.
 - (b) The monthly rental charge is £594 due in advance.

- (c) The Respondent is a tenant under the Short Assured Tenancy Agreement which began on 13 December 2013. The Respondent is joint and severally liable for the rent obligations in terms of the tenancy.
 - (d) Rent arrears have accrued in relation to the Property. The Respondent has admitted there are arrears of rent due by her in terms of the Time to Pay Application received from her on or around 16 June 2026.
 - (e) The Applicant is agreeable to a Time to Pay application.
8. The Tribunal concluded that further information/documentation was required from the parties in order to be satisfied in making a determination regarding the payment application, particularly a full rent statement in table format that reflecting the ongoing monthly rental charges alongside entries of payment(s) made to the rent account, and to include a column demonstrating a running balance of the rent account (arrears) month by month. The Tribunal indicated it would make its determination without the requirement for a further CMD hearing and a Note of the CMD and Direction were issued to parties.

Direction to parties

9. The Tribunal's Direction was sent to the parties on or around 27 July 2026. The parties were required to produce the information/documentation requested of them by 14 August 2026. On or around 30 July 2026 the Applicant's representative lodged the requisite documents in compliance with the Tribunal's Direction. The updated rent statement produced evidenced sporadic payments to the rent account and a balance of £2,417 unpaid rent due by the Respondent at 29 July 2026. The Applicant's submission was crossed over to the Respondent on 07 August 2026 by the HPC administration. In absence of a response by the Respondent by 14 August 2026, additional time was allowed for outstanding information / documentation referred to in the Direction to be produced by 27 August 2026. No response was received from the Respondent in compliance with the Tribunal's Direction, nor in respect of the Applicant's submission. No further submissions were received by or on behalf of the Applicant by 27 August 2026.
10. Having considered the documents before it, including the written representation by the Respondent dated 10 June 2026 (time to pay application) in response to the application, the oral submissions on behalf of the Applicant at the CMD, and the documents submitted further to the Direction issued to parties on 27 July 2026 and received within the extended period allowed (27 August 2026), the Tribunal considered it could make relevant findings in fact in order to make a decision in the absence of a hearing under Rule 18 of the 2017 rules. The Tribunal noted the Respondent admitted arrears of rent claimed by the Applicant were due by her and did not attend the CMD. The Respondent demonstrated in terms of her time to pay application that she is aware of her obligations in terms of her tenancy agreement including the requirement to maintain her monthly rental charge going forward. The Respondent did not respond to the Applicant's submission in reply to the Tribunal's Direction nor did she produce information/documentation requested from her in the

Tribunal's Direction that may have supported any contrary position to that of the Applicant regarding the balance of arrears. The balance of arrears in the Applicant's updated rent statement remains unchallenged by the Respondent to date. The Respondent did not take the opportunity to produce further supporting information/documentation in response to the Tribunal's Direction within the timeframe specified, which timeframe was then extended to allow additional time to do so. The Tribunal determined that there were no substantive facts in dispute that would require a hearing to be fixed, and that proceeding to a decision would be in accordance with the Tribunal's overriding objective under Rule 2 of the 2017 rules to avoid delay so far as compatible with proper consideration of the issues.

The Tribunal concluded that it would grant a payment order in favour of the Applicant in the sum of £2,417 unpaid rent due by the Respondent at 29 July 2026, and that it would grant the Respondent's time to pay application (agreed on behalf of the Applicant), thus the order in favour of the Applicant is subject to a time to pay direction.

The Respondent is required to make the specified time to pay payments **in addition to** her enduring contractual rent obligations.

Decision

The Tribunal grants an order for payment by the Respondent to the Applicant in the sum of £2,417, that in terms of 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 £100.00 per calendar month until the full amount has been paid. The first payment must be made no later than 7 days after intimation of this Order, and thereafter £100.00 must be paid by the respondent on or before the 13th day of each month.

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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

Elaine Paton, Legal Member

04 September 2026