

**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)  
Act 2014**

**Chamber Ref: FTS/HPC/CV/22/0100**

**Re: Property at 19 Glen Prosen, East Kilbride, G74 3SZ (“the Property”)**

**Parties:**

**Mr Barrie Herbert, 17 MacCrimmon Park, Stewartfield, East Kilbride, G74 4TX  
 (“the Applicant”)**

**Miss Lorraine Anderson, 19 Glen Prosen, East Kilbride, G74 3SZ (“the  
 Respondent”)**

**Tribunal Member:**

**George Clark (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
 Tribunal”) determined that the application should be decided without a Hearing  
 and made an Order for Payment by the Respondent to the Applicant of the sum  
 of £2,565.**

**Background**

By application dated 12 January 2022, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £3,240.

The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties, commencing on 27 November 2019 at a rent of £365 per month, and a Rent Statement showing arrears as at 27 December 2021 of £3,240.

On 21 March 2022, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 11 April 2022.

The Respondent did not make any written representations, but on 4 May 2022, she submitted an Application for a Time to Pay Direction, in which she offered to repay

the arrears at the rate of £135 per month. The financial information that she provided indicated that this was the most she could afford to pay.

On 9 May 2022, the Applicant's agents told the Tribunal that the Applicant was not prepared to agree to a Time to Pay Direction. The Respondent had failed to adhere to previous agreed payment plans and the Applicant had no reason to believe this would change. The Applicant had suffered financially as a result of the rent not being paid and it would take approximately 18 months to repay the rent arrears. That was not acceptable to the Applicant.

### **First Case Management Discussion**

A Case Management Discussion was held by means of a telephone conference call on the afternoon of 10 May 2022. The Applicant was not present or represented. The Respondent was present and told the Tribunal that, after furlough and illness, she had not returned to full-time work until December 2020. Since then, she had been paying £500 per month, £365 of which was the rent, with the balance of £135 reducing the arrears. She had paid £540 towards the arrears.

The Applicant was not present or represented, so the Tribunal was unable to seek confirmation of the current amount outstanding. The Applicant's agents had, in the response to the Application for a Time to Pay Direction, indicated that it would take approximately 18 months to clear the arrears at the rate of £135 per month, so it appeared that the amount now due was less than the sum sought. Accordingly, the Tribunal was unable to determine the application and adjourned the matter to a further Case Management Discussion.

### **Second Case Management Discussion**

A further Case Management Discussion was held on the morning of 15 June 2022. The Applicant was represented by Mr James Docherty of Concept Property Letting Ltd, East Kilbride. The Respondent also participated in the Case Management Discussion.

Mr Docherty told the Tribunal that the amount of rent outstanding as at 27 May 2022 was £2,565. He confirmed that the Applicant was not prepared to agree to a Time to Pay Direction.

The Respondent confirmed that she accepted that the arrears were £2,565. She had been paying £135 per month on top of her rent to reduce the arrears.

### **Reasons for Decision**

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to decide the application without a Hearing.

The Tribunal was satisfied that the sum sought (now £2,565) had become lawfully due by the Respondent to the Applicant.

The Tribunal noted that the Respondent had been reducing the arrears by an additional monthly payment and, although the Applicant had not been prepared to accept a Time to Pay Direction, encouraged the Respondent to maintain contact with the Applicant's letting agents with a view to agreeing some form of payment plan which might avoid the necessity of enforcing the Order for Payment.

## **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.**

# G Clark

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**Legal Member/Chair**

**15 June 2022**  
**Date**