

**Decision with Statement of Reasons 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 Rules of Procedure 2017**

**Chamber Ref: FTS/HPC/CV/21/1184**

**Re: Property at 250 Glen More, St Leonards, East Kilbride, G74 2AL (“the  
Property”)**

**Parties:**

**Mr Stephen Boyd, Mrs Sylvia Boyd, 10 Baillie Drive, Calderwood, East Kilbride,  
G74 3JZ (“the Applicant”)**

**Mr Graeme Paul, 250 Glen More, St Leonards, East Kilbride, G74 2AL (“the  
Respondent”)**

**Tribunal Members:**

**Fiona Watson (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that an order is granted against the Respondent(s) for  
payment of the undernoted sum to the Applicant(s):**

**Sum of TWO THOUSAND FOUR HUNDRED AND FIFTY POUNDS (£2,450)  
STERLING**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) made 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 TWO HUNDRED AND FORTY  
POUNDS (£240) STERLING per calendar month until the full amount has been  
paid. The first payment must be made no later than 14 days after intimation of  
this Order.**

- Background

1. An application dated 18 May 2021 was submitted to the Tribunal under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondent in relation to rent arrears accrued under a private residential tenancy agreement.

- The Case Management Discussion

2. A Case Management Discussion (“CMD”) took place on 6 August 2021 by way of tele-conference. The Applicants were personally present. The Respondent was personally present and represented by Mr Clayson of the Citizens Advice Bureau.
3. Prior to the CMD the Respondent had submitted a Time to Pay Application, in which he admitted the sum due and sought repayment terms at the rate of £240 per month. Opposition to the said Time to Pay Application was lodged by the Applicants in advance of the CMD
4. The Applicant moved for the order for payment to be granted in the increased sum of £2,450. They opposed the Time to Pay Application and wished the open order to be granted. There had been no apparent reason given for the Respondent’s failure to pay rent. This had put the Applicants in a difficult position financially and they had been forced to take out a loan to cover the lost income. The parties had entered into a Private Residential Tenancy Agreement. The Respondent had failed to make payment of rent and at the time of submitting the application had fallen into arrears amounting to £1,920. Since submitting the application, the arrears had increased to £2,450. It was submitted that if instalments were to be made, they would not accept less than £340 per month.
5. The Respondent’s representative submitted that it was accepted that the arrears fell due to be paid, and that the increased sum of £2,450 was due. The Respondent had already made one payment of rent plus £240 to the arrears and intended to continue to do so. The offer made in the Time to Pay Application was a reasonable one. It would take just over 10 months for the arrears to be cleared. Paying off the arrears in a lump sum was not feasible. An increased instalment method was not sustainable. The offer was a reasonable one taking into account the Respondent’s income and outgoings.

- Findings in Fact

6. The Tribunal made the following findings in fact:
  - (i) The parties entered into a Private Residential Tenancy Agreement (“the Agreement”) which commenced 1 October 2020;

- (ii) In terms of Clause 8 of the Agreement, the Respondent was obliged to pay a monthly rent of £480 to the Applicant;
- (iii) The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £2,450.

- Reasons for Decision

- 7. The Tribunal was satisfied that the Applicant was entitled to the sum as sought, and which sum was admitted by the Respondent. The Tribunal considered the information submitted by the Respondent in his Time to Pay Application which set out his income and expenditure. The Tribunal noted that it would take just over 10 calendar months to repay the arrears, and it considered that this was a reasonable length of time, and that the sum proposed was a reasonable one taking into account the Respondent's financial position as set out in the Time to Pay Application.

- Decision

- 8. The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an order is granted against the Respondent(s) for payment of the undernoted sum to the Applicant(s):

Sum of TWO THOUSAND FOUR HUNDRED AND FIFTY POUNDS  
(£2,450) STERLING

The First-tier Tribunal for Scotland (Housing and Property Chamber) made 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 TWO HUNDRED AND FORTY POUNDS (£240) STERLING per calendar month until the full amount has been paid. The first payment must be made no later than 14 days 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.**

**F. W**

**Legal Member/Chair**

**Date: 6 August 2021**