



**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/23/0285**

**Re: Property at 64 Kingsway, Glasgow, G14 9YS (“the Property”)**

**Parties:**

**Ms Kirsty Aitken, Flat 1/1, 206 Kelso Road, Glasgow, G13 4BF (“the Applicant”)**

**Ms Noleen Sillars, 64 Kingsway, Glasgow, G14 9YS (“the Respondent”)**

**Tribunal Members:**

**Richard Mill (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order be granted against the Respondent for payment to the Applicant of the sum of One Thousand and Sixty Pounds (£1,060); subject to a time to pay direction under Section 1(1) of the Debtors (Scotland) Act 1987, requiring the respondent to pay the sum of £30 per month until the full amount has been paid.**

**Introduction**

1. This application is under rule 70 and section 16 of the Housing (Scotland) Act 2014. The application seeks recovery of rent arrears.
2. Intimation of the application and Case Management Discussion (CMD) is certified to have been made on the respondent by sheriff officers on 15 June 2023. On 5 July 2023 the respondent’s representative, Derek Mahmood of Legal Services Agency, lodged written submissions.
3. The CMD took place on 21 July 2023 at 10.00 am. The applicant was represented by Mr Jeff Livingstone of Landlord Specialist Services Scotland. The respondent joined the hearing and represented her own interests.

## Findings and Reasons

4. The tribunal attached weight to the entirety of the documentary evidence which is not the subject of challenge. This was found to be both credible and reliable.
5. The property is 64 Kingsway, Glasgow G14 9YS. The applicant is Ms Kirsty Aitken who is the heritable proprietor and registered landlord of the property. The respondent is Ms Noleen Sillars who is the former tenant.
6. The parties entered into an assured tenancy which commenced on 1 September 2017. The tenancy continues.
7. During the subsistence of the tenancy, the respondent fell into rent arrears. The initial contracted rent was one of £530 per month though it was subsequently agreed that this be restricted to £520 per month. It has now been reinstated to £530 per month.
8. The written application sought to recover the sum of £1,734 but this was restricted to £1,060 recognising the part defence to the proceedings stated on behalf of the respondent by her representative.
9. The applicant seeks to recover arrears of rent lawfully due under and in terms of the lease which is comprised of the rent due for the months of July and October 2022. She is entitled to do so. This is a total of £1,060.
10. The respondent accepted that such arrears were due. She sought to repay the sums due at a rate of £30 per month and an application for a time to pay direction was made. This was accepted on behalf of the applicant and found by the tribunal to be reasonable. The respondent is a single mother of four children and reliant upon benefit income only.

## **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.**

**Richard Mill**

**21 July 2023**

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**Legal Member/Chair**

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**Date**