



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016 and Section 1(1) of the Debtors (Scotland) Act 1987**

**Chamber Ref: FTS/HPC/CV/24/4179**

**Re: Property at 313 Pittencrief Street, Dunfermline, KY12 8AW (“the Property”)**

**Parties:**

**Kingdom Initiatives Limited, Saltire Centre, Pentland Drive, Glenrothes, KY6 2DA (“the Applicant”)**

**Ms Ashley Stewart, Mr Graham Cowan, 313 Pittencrief Street, Dunfermline, KY12 8AW (“the Respondent”)**

**Tribunal Members:**

**Mary-Claire Kelly (Legal Member) and Helen Barclay (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for payment in the sun of EIGHT THOUSAND FOUR HUNDRED AND FORTY-EIGHT POUNDS AND EIGHTY-EIGHTY PENCE (£8448.88). The Tribunal made a time to pay direction under Section 1(1) of the Debtors (Scotland) Act 1987 requiring the respondents to pay the sum of £426.71 per month until the full amount has been paid.**

**Background**

1. By application dated 6 September 2024 the applicant sought an order for payment in the amount of £6220.85 plus interest in respect of rent arrears.
2. A case management discussion (“cmd”) took place via teleconference on 3 April 2024. At the cmd the amount sought was increased to £8448.88 in terms of rule 14A.

3. Prior to the cmd the respondents lodged an application for a time to pay direction. The application set out the respondents' financial circumstances and proposed payments of £1000 per month towards rent and arrears.
4. The cmd was adjourned to allow the respondents to consider the offer of payment.
5. A fresh time to pay application was received from the respondents on 7 April 2025. The respondents admitted liability for the amount sought and offered to pay £1000 to the applicants each month (£426.71 to the arrears and £573.29 to cover the ongoing monthly rent charge).
6. The applicant's representative submitted a response to the time to pay application dated 15 April 2025. They accept the respondents' proposal.

### **Findings in fact**

7. Parties entered into a private residential tenancy agreement with a commencement date of 6 June 2018.
8. Monthly rent payable is £573.29.
9. Rent arrears as at 3 April 2025 amounted to £8448.88.
10. The respondents accept that the amount sought is due.
11. The respondents have submitted a time to pay application to repay the debt at the rate of £426.71 per month.
12. The applicants have accepted the respondents' proposal.
13. The Tribunal considers it reasonable to grant a time to pay direction.

### **Reasons for the decision**

14. The Tribunal had regard to application and documents lodged by both parties and parties' oral submissions at the cmd.
15. The Tribunal considered the terms of the time to pay direction application submitted by the respondents.
16. Section 1 of the Debtors (Scotland ) Act 1987 states:

*(1) Subject to subsections (3) to (5) below and to section 14 of this Act, on an application by the debtor, the court or the First-tier Tribunal on*

*granting decree for payment of any principal sum of money, shall, if satisfied that it is reasonable in all the circumstances to do so, and having regard in particular to the matters mentioned in subsection (1A) below, direct that any sum decerned for in the decree (including any interest claimed in pursuance of subsections (6) and (7) below) or any expenses in relation to which the decree contains a finding as to liability or both such sum and such expenses shall be paid—*

*(a) by such instalments, commencing at such time after the date of intimation by the creditor to the debtor of an extract of the decree containing the direction, payable at such intervals; or*

*(b) as a lump sum at the end of such period following intimation as mentioned in paragraph (a) above,*

*as the court or the First-tier Tribunal may specify in the direction.*

*(1A) The matters referred to in subsection (1) above are—*

*(a) the nature of and reasons for the debt in relation to which decree is granted;*

*(b) any action taken by the creditor to assist the debtor in paying that debt;*

*(c) the debtor's financial position;*

*(d) the reasonableness of any proposal by the debtor to pay that debt; and*

*(e) the reasonableness of any refusal by the creditor of, or any objection by the creditor to, any proposal by the debtor to pay that debt.*

*(2) A direction under subsection (1) above shall be known as a "time to pay direction".*

17. The Tribunal took into account that the respondents had stated at the cmd that the rent arrears had built up after the secong respondent's employment as an electrician's mate was impacted by the coronavirus pandemic. He has

now commenced full time employment and is earning a sufficient amount to maintain the payments being offered.

18. The Tribunal took into account that the offer would repay the arrears within 20 months. The Tribunal gave particular weight to the fact that the applicant accepted the proposal.

19. In light of the above the Tribunal determined that it was reasonable to grant a time to pay direction.

### **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.**

Mary-Claire Kelly

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**Legal Member/Chair**

**8 May 2025**  
**Date** \_\_\_\_\_