Housing and Property Chamber
First-tier Tribunal for Scotland

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/26/3698

Re: Property at 46 Norman Rise, Livingston, EH54 6LY ("the Property")

Parties:

Mr Colin McKean, Mrs Valerie McKean, 26 Hoghill Court, East Calder, EH53 0QA ("the Applicants")

Mr Mike Bennell, Catriona Bennell, 46 Norman Rise, Livingston, EH54 6LY ("the Respondents")

Tribunal Members:

Andrew Cowan (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the sum of £9519.50 is lawfully due by the Respondents and granted an order for payment of that sum by the Respondents to the Applicants.

Background

1. By an application dated 10th August 2026 the Applicants sought an order for payment of £5384.50 from the Respondents in respect of rent arrears.

2. A Case Management Discussion ("CMD") took place by teleconference on 12th October 2026. Both Applicants and both Respondents joined the conference call.

3. In advance of the CMD the Respondents had lodged time to pay applications in respect of the sum sought by the Applicants. The Respondents each offered to make a payment of £125 per month (a total payment of £250 per month) towards the sum craved in the application.

4. The Applicants opposed the Respondents time to pay applications in terms of papers lodged with the Tribunal on 11th October 2026.

5. The Tribunal considered the application along with a separate application (made under reference FTS/HPC/EV/26/1717) which sought an order for the eviction of the Respondent from the Property. The Tribunal have issued a separate decision in relation to that eviction application.

Further Information:

6. At the CMD the Applicants explained that the Respondents had accrued rent arrears, due under the terms of a tenancy agreement between the parties in relation to the Property. The level of arrears due by the Respondents, as at the date of the CMD, had increased to £9519.50. The Applicants sought to amend the sum craved for payment in their application to that sum.

7. The Respondents accepted that they were due the sum of £9519.50 to the Applicants by way of rent arrears as at the date of the CMD. The Respondents did not seek to object to amendment of the sum craved by the Applicants and did not wish to insist that the Applicants followed the specific requirements of rule 14A of the Tribunal's rules of procedure in requesting that amendment. The Respondents consented to a payment order being granted against them in the amended sum of £9519.50. In these circumstances the Tribunal permitted the Applicants to amend the sum claimed in their application to £9519.50.

8. The Tribunal accepted the evidence of the Applicants that the Respondents are due payment of the sum of £9519.50, being rent arrears due by the Respondent as of 12th October 2026 (being the date of this CMD). The Respondents accept that they are due that sum to the Applicants.

9. The Tribunal considered the terms of the time to pay direction applications which had been lodged by both Respondents. Those applications offered to make payment of £250 per month towards the arrears which had accrued. The Tribunal noted that, at that rate, it would take the Respondents over three years to clear the arrears which had accrued. The Tribunal do not consider that it is reasonable to allow the Respondents to pay the amount due by instalments at the rate offered. The Tribunal have accordingly determined to reject the time to pay direction made by the Respondents in this case.

Findings in fact

10. The Applicant let the Property to the Respondent in terms of a written tenancy agreement which commenced on 9th August 2022.

11. As at the date of this CMD that sum of £9519.50 remains due and owing by the Respondents to the Applicants in respect of arrears of rent incurred by the Respondents.

Decision

Under rule 17(4) of the Procedure Rules the First-Tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision.

The Tribunal accordingly granted an order for payment by the Respondents to the Applicant in the sum of £9519.50.

The Tribunal have rejected the time to pay applications made by the Respondents to pay the sums due to the Applicants at the rate of £250 per 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.

Andrew Cowan — **12th October 2026**

Legal Member/Chair — **Date**