



**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**

**Chamber Ref: FTS/HPC/CV/22/3273**

**Re: Property at G3 8 Griqua Terrace, Bothwell, G71 8RA (“the Property”)**

**Parties:**

**Mr David Kennedy, Tracy Kennedy, 5 Fernhill Grange, Bothwell, G71 8SH (“the Applicant”)**

**Mr Stuart Tugman, No 7, 1 Main Street, Clarkston, Glasgow, G76 8DS (“the Respondent”)**

**Tribunal Members:**

**Alastair Houston (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment of £1274.21 be made in favour of the Applicant and that the Respondent be granted time to pay at the rate of £100.00 per month.**

**1. Background**

- 1.1 This is an application under rule 111 of the Chamber Rules whereby the Applicant seeks payment of unpaid rent due under the tenancy agreement between the parties. The application was accompanied by copies of the written tenancy agreement and statement of the rent account.
- 1.2 The Respondent had lodged an application for time to pay. The initial application had offered payment at the rate of £50.00 per month. The Applicant had lodged a response rejecting this but indicating that payment of £100.00 per month would be acceptable.
- 1.3 The Respondent had subsequently requested a postponement of the Case Management Discussion due to illness but had also indicated that the “proposal” by the Applicant for payment at the rate of £100.00 per month

was accepted. The Tribunal had indicated that the Case Management Discussion was to proceed and that the request would be further considered then.

## 2. The Case Management Discussion

2.1 The Case Management Discussion took place on 7 February 2023 by teleconference. The Applicant was represented by Ms Franchitti of Property Angels Letting & Management Ltd. The Respondent attended personally.

2.2 Before dealing with any request for a postponement, the Tribunal sought to clarify the terms of the application for time to pay. The Respondent confirmed that he was now offering to pay £100.00 per month. Payments would begin at the end of February 2023. The Applicant's representative indicated that this was acceptable and, furthermore, given that the deposit paid in respect of the tenancy had been retained, the total sum outstanding had been reduced to £1274.21.

2.3 As an application for time to pay had been made and was no longer objected to, the Tribunal made an order for payment of the reduced sum at the rate of £100.00 per month.

## 3. Reasons For Decision

3.1 Section 7 of the Debtors (Scotland) Act 1987 is in the following terms:-

*7 Disposal of application.*

*(1) If no objection is made in pursuance of section 6(6)(a) of this Act, the sheriff [F1 or the First-tier Tribunal] shall make a time to pay order in accordance with the application.*

*(2) If such an objection is made, the sheriff [F1 or the First-tier Tribunal] shall not dispose of the application without first—*

*(a) giving the debtor an opportunity to make representations; and*

*(b) if agreement is not reached as to whether a time to pay order should be made or as to its terms, giving the parties an opportunity to be heard.*

*(3) Where the sheriff [F1 or the First-tier Tribunal] refuses to make a time to pay order, he shall recall any interim order under section 6(3) of this Act.*

*(4) The sheriff clerk [F2 or, in relation to time to pay directions made by the First-tier Tribunal, a member of administration staff of the First-tier Tribunal] shall as soon as is reasonably practicable—*

*(a) intimate the decision of the sheriff [F3 or the First-tier Tribunal] on an application for a time to pay order (including any recall of an interim order under subsection (3) above) to the debtor [F4, the creditor and, where an arrestment such as is mentioned in section 73J(1) of this Act is in effect, the arrestee]; and*

*(b) if the sheriff [F5 or the First-tier Tribunal] has made a time to pay order, inform the creditor of the date when he intimated that fact to the debtor.*

An agreement had been reached as to whether a time to pay order should be made. Accordingly, such an order was made.

## **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.**

# A Houston

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**Legal Member/Chair**

**7 February 2023**  
**Date**