



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 (Procedure) Regulations 2017, as amended (“the Regulations”)

Chamber Ref: FTS/HPC/CV/25/3467

Re: Property at 107 Methil Brae, Methil, Leven, KY8 3LS (“the Property”)

Parties:

Jess and Jinx Ltd, Caledonain House, Links Road, Leven (“the Applicant”)

Ms Linda Sarjantson, 107 Methil Brae, Methil, Leven, KY8 3LS (“the Respondent”)

Tribunal Members:

Nicola Weir (Legal Member) and Mary Lyden (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the Respondent in the sum of £4,564.93 should be made in favour of the Applicant.

Background

1. By application received on 13 August 2025, the Applicant applied to the Tribunal for an order for payment of £4,564.93 against the Respondent, in respect of rent arrears. Supporting documentation was submitted in respect of the application, including a copy of the tenancy agreement and a Rent Statement showing the arrears situation throughout the tenancy. An application for recovery of possession of the property in terms of Grounds 12 (rent arrears over a period of three consecutive months) of Schedule 3 to the 2016 Act was submitted at the same time and was conjoined with this application. Both applications thereafter proceeded together through the Tribunal process.

2. Following initial procedure, on 22 September 2025, a Legal Member of the Tribunal with delegated powers from the Chamber President issued a Notice of Acceptance of Application in terms of Rule 9 of the Regulations.
3. A Case Management Discussion (“CMD”) was fixed for 10 March 2026. The application and details of the CMD were served on the Respondent by Sheriff Officer on 22 January 2026. In terms of said notification, the Respondent was given an opportunity to lodge written representations. None were lodged prior to the CMD.
4. On 9 March 2026, the Applicant’s representative lodged an updated Rent Statement and some additional written representations. He apologised for their late lodging (the day before the CMD).

Case Management Discussion

5. The CMD took place by telephone conference call on 10 March 2026 at 2pm. In attendance was Mr David Sinclair Aiton of Sinclair Services on behalf of the Applicant. The Tribunal delayed commencement of the CMD for 5 minutes to give the Respondent an opportunity to join late but she did not do so.
6. Following introductions and introductory remarks by the Legal Member, Mr Aiton confirmed that he had not heard anything directly from the Respondent but had obtained an update from the Applicant’s letting agents, Fife Properties, which he had lodged yesterday.
7. Mr Aiton confirmed the background to the applications. The PRT commenced on 22 August 2022 and the original rent had been £520 per month, which had been increased to £590 per month prior to the current Applicant landlord purchasing the Property on 27 November 2024. He understands that the Applicant must have been aware of the existence of rent arrears when they purchased the Property from the previous landlord who required to sell, possibly due to financial issues. The Respondent is understood to be a single, middle-aged female, with no dependants and no declared disabilities. She is not understood to be working and had been in receipt of Universal Credit. Mr Aiton referred to the rent account which had consistently been in arrears. The Applicant’s letting agents had been trying to manage the arrears since becoming involved in the matter from November 2024 when the Applicant had purchased the Property. However, the Respondent had not really engaged with them regarding the arrears and had failed to set up any kind of payment plan. They had issued a ‘pre-action protocol’ letter to the Respondent and she had been ‘signposted’ to agencies which could assist. They had eventually engaged Mr Aiton to deal with the matter. He had subsequently issued two ‘pre-action protocol’ letters to the Respondent and served a Notice to Leave on behalf of the Applicant in July 2025. The Applicant’s agents have not been offered any explanation by the Respondent for the arrears or her failure to engage or seek to resolve the matter. The Respondent had indicated to the letting agents that she was still waiting for Universal Credit to be established but they doubted, from their experience, that this could have taken as long as 8 months. She had

also indicated to an advice agency, Fife Property Solutions, that the letting agents had not been amenable to a payment plan. The Respondent was understood to have unilaterally cancelled the housing element of her Universal Credit around September 2025 and had claimed that this was because no repairs were being done. However, the letting agents are a responsible and reputable agency and had not been notified of any repair or maintenance issues being required by the Respondent. Mr Aiton confirmed that no payments have been received since that time. The arrears have accordingly risen from around £4,500 when the Notice to Leave was served, to £7,262.37 currently. These are significant arrears and the Applicant is having to manage this shortfall in rent.

8. Mr Aiton requested that the Tribunal grant a payment order today. The Legal Member explained that the Tribunal would only be in a position to grant a payment order in the original sum sought of £4,564.93 as the Tribunal had only been notified of the current level of arrears by Mr Aiton yesterday and there had been no application lodged to increase the sum sought, at least 14 days prior to the CMD, nor notice given to the Respondent in this regard. Mr Aiton confirmed that he was aware that such an application to increase the sum sought had not been lodged in accordance with Rule 14A of the Procedure Rules. It would be the intention to submit a subsequent application for payment of the additional rent arrears owing up to the date the Respondent vacates the Property, together with any additional claims on behalf of the Applicant for repairs required to the Property, etc.
9. The Tribunal Members adjourned to discuss the applications in private and, on re-convening, confirmed that the Tribunal was satisfied that the payment application was in order and would be granted in the original sum sought of £4,564.93. Mr Aiton was thanked for his attendance and the CMD was concluded.

Findings in Fact

1. The Applicant is the current owner and landlord of the Property.
2. The Respondent is the tenant of the Property by virtue of a Private Residential Tenancy which was entered into with the previous owner/landlord and commenced on 22 August 2022.
3. The Applicant purchased the Property in November 2024, with the Respondent as sitting tenant.
4. The rent due in respect of the tenancy was originally £520 per 4 weeks and was increased by the previous landlord around September 2024, to £590 per 4 weeks.
5. There was a background of rent arrears throughout the tenancy with many monthly payments being missed altogether, late or only partial rent payments made.

6. The last payment into the rent account amounted to £47.52 on 10 September 2025.
7. Arrears amounted to £4,564.93 when this application was lodged in August 2025 and now amount to £7,262.37.
8. The Applicant's current letting agents and their representative have sought to engage with the Respondent concerning the rent arrears and issued communications to her, including in respect of the 'pre-action protocol' in the eviction application.
9. The Tribunal Application was submitted on 13 August 2025.
10. The Respondent remains in occupation of the Property.
11. The Respondent has been called upon to make payment of the rental arrears or enter into a satisfactory payment arrangement but has failed to do so.
12. The sum of £4,564.93 is due and owing by the Respondent to the Applicant in respect of rent arrears arising from this tenancy.
13. The Respondent did not lodge any written representations with the Tribunal or attend the CMD.

Reasons for Decision

1. The Tribunal gave careful consideration to all of the background papers including the application and supporting documentation, the procedural background to the application, the further written representations lodged on behalf of the Applicant and to the oral representations at the CMD by Mr Aiton on behalf of the Applicant.
2. The Tribunal found that the application was in order and that the original sum sought in respect of rent arrears of £4,564.93 was unpaid and owing by the Respondent to the Applicant.
3. The Tribunal had no material before it to contradict the Applicant's position nor to advance any arguments on behalf of the Respondent in respect of the sums claimed or to seek time to pay. The Respondent had not submitted any representations to the Tribunal and nor did she attend the CMD. The Tribunal was accordingly satisfied that the sum of £4,564.93 was due to the Applicant and had not been paid by the Respondent. The Tribunal also determined that an order for payment in the amount sought could properly be granted at the CMD and that there was no need for an adjournment to a further hearing.

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.

N Weir

Legal Member/Chair

10 March 2026
Date