



**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/24/2386**

**Re: Property at 80 Chandlers Court, Stirling, FK8 1NR (“the Property”)**

**Parties:**

**Mrs Johanne Bakke, Etheclals Vegan, 795 Ernedal 2893, Norway (“the Applicant”)**

**Miss Rebekkah Butterworth, Kenneth Murphy, UNKNOWN, UNKNOWN; 34 Johnston Court, Falkirk, FK2 7SZ (“the Respondent”)**

**Tribunal Members:**

**Mark Thorley (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the Respondent to the Applicant be made in the sum of Eight Thousand Two Hundred and Twenty Five Pounds ( £8225)**

- Background

The Applicant applied to the Tribunal for an order for payment by application dated 23 May 2024. Accompanying the application was a copy of the Tenancy Agreement and rent statement. The application was acknowledged by the Tribunal on 28 May 2024. The application was accepted for determination on 27 August 2024.

An initial Case Management Discussion was discharged following upon service issues of the papers.

The Respondent Miss Rebekkah Butterworth provided a written response.

- The Case Management Discussion

At the Case Management Discussion Ms McMillan from Pacitti Jones solicitors appeared on behalf of the Applicant. Mr Kenneth Murphy the Respondent attended on the teleconference.

The Applicants agent confirmed that the Applicant had received the deposit back in full so the amount due in rent outstanding was £8225. The tenancy had not terminated until the Respondent Ms Rebekah Butterworth had vacated the property. Rent was due until May 2024. The tenancy remained a joint one. Both Respondents remained liable although it was accepted that the Respondent Mr Kenneth Murphy left the property in August 2023.

- Findings in Fact

1. That the Respondents rented the property with a rent of £950 per calendar month.
2. At the time both Respondents had vacated the property rent was due in the sum of £9500. The deposit of £1275 was returned to the Applicant leaving rent outstanding of £8225.
3. The tenancy remained a joint one until its conclusion.
4. The sum due to the Applicant is £8225

- Reasons for Decision

There was no dispute by Mr Murphy of the rent outstanding. His position focussed on him having left the property in August 2023. But it was also acknowledged that the tenancy was never changed from being a joint tenancy. On the basis that the sum due was not disputed and that the tenancy was a joint and several liability the tribunal made the order as set out.

The tribunal accepted the written documentation as provided in the Tenancy Agreement together with the rent statement and the verbal submissions made by the Applicants agent. The Respondents submission was restricted to the joint and several nature of the liability. The tribunal accepted that the tenancy agreement remained in joint names.

- Decision

To make an order for payment by the Respondents to the Applicant of the sum of Eight Thousand Two Hundred and Twenty Five Pounds ( £8225)

## **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.

M Thorley

03 October 2025

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Legal Member/Chair

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Date