



**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/22/2210

**Re: Property at 2 The Granary, Kirk Place, Rothes, Aberlour, AB38 7AP (“the
Property”)**

Parties:

**Richard Forsyth, Heather Anne Forsyth, Copperfield, Green Street, Rothes,
Aberlour, AB38 7BD (“the Applicants”)**

**Jacqueline Anne Cruickshank, 1 Distillery Cottages, Cardhu, Aberlour, AB38
7RZ (“the Respondent”)**

Tribunal Members:

Alison Kelly (Legal Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order for payment should be made.**

Background

The Applicants lodged an application on 6th July 2022 under Rule 111 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) seeking payment of a sum of rent arrears.

Lodged with the Application were:

1. Copy Private Residential Tenancy commencing 15th July 2019 with a rent of £795 per calendar month
2. Rent Statement

The Application was served on the Respondent by Sheriff Officer on 22nd November 2022.

On 30th November 2022 the Respondent sent an email to the Tribunal explaining that she had lost her job and that this had led to the arrears. She said that she had entered a Trust Deed. She offered £150 per month towards the arrears.

Case Management Discussion

The Case Management Discussion (“CMD”) took place by teleconference. The Applicants were represented by Miss Buchanan of Jamieson & McKay, Solicitors. The Respondent represented herself.

The Chairperson confirmed the purposes of a CMD in terms of Rule 17 of the Rules.

Miss Buchanan asked that an order be granted for payment, in the amount of £1950, being the sum due as shown on the rent statement. She said that the Applicants were prepared to accept payment at £150 per month as offered by the Respondent.

The Respondent said that she had gone through her finances and was now in debit by £682 per month. Her disability benefit had dropped by £250 per month and it had had a massive impact on her. She was sorry that she was not able to adhere to the offer made of £150 per month and was not in a position to make any other offer.

The Tribunal had no alternative but to grant the order sought.

Findings in Fact

1. The parties entered into a tenancy agreement for rent of the property;
2. The monthly rent was £795;
3. The tenancy came to an end on 8th March 2022;
4. On 8th March 2022 the rent arrears owed were £1950.

Reasons for Decision

The Respondent owes rent to the Applicants as at 8th March 2022 in the amount of £1950

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.

Alison Kelly

Legal Member/Chair

19TH December 2022
Date