



**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**

**Chamber Ref: FTS/HPC/CV/24/0752**

**Re: Property at 3 Linum Grove, Kirkcaldy, KY1 2HJ (“the Property”)**

**Parties:**

**Mr Simon Thomson, Mrs Lesley Thomson, 7 Deepdale Place, Broughty Ferry, Dundee, DD5 3DD (“the Applicant”)**

**Amaya Safdar, 410 Stamfordham Road, Newcastle upon Tyne, NE5 5HH (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member)**

**Decision (in absence of the Respondent)**

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) made a Payment Order in favour of the Applicant against the Respondent in the sum of £1,773.50 and made a time to pay direction under Section 1(1) of the Debtors (Scotland) Act 1987, in the following terms: the Respondent is required to pay the sum of £100.00 per month until the full amount has been paid. The first payment must be made no later than one month after intimation of this Order.

**Background**

[2] The Applicant seeks a Payment Order in respect of rent arrears and expenses said to be lawfully due by the Respondent to the Applicant under a tenancy between the parties. The Respondent has admitted liability for the sums claimed and submitted a time to pay direction offering £100.00 per month. The Applicant was content with this offer.

[3] The Application is accompanied by a copy of the tenancy agreement and rent statements. The Applicant had competently amended the sum claimed to £1,773.50 in advance of the Case Management Discussion.

### **Case Management Discussion**

[4] The Application called for a Case Management Discussion (“CMD”) by conference call at 2pm on 19 June 2024. The Applicant was represented by Ms McAllister of iResolve Legal. There was no appearance by or on behalf of the Respondent. Service of the Application had been competently effected on the Respondent by Sheriff Officers. The Tribunal therefore decided to proceed in the Respondent’s absence. Having heard from Ms McAllister, the Tribunal made the following findings in fact.

### **Findings in fact**

- I. *The Parties entered into a tenancy agreement in terms of which the Applicant let the Property to the Respondent;;*
- II. *The sum of £ £1,773.50 is currently lawfully due as rent arrears and expenses by the Respondent to the Applicant.*

### **Decision**

[5] Having made the above findings in fact, the Tribunal granted the Application and made a Payment Order in favour of the Applicant against the Respondent in the sum of £1,773.50. The Tribunal made a time to pay direction under Section 1(1) of the Debtors (Scotland) Act 1987, in the following terms: the Respondent is required to pay the sum of £100.00 per month until the full amount has been paid. The first payment must be made no later than one month after intimation of this Order.

### **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 McLaughlin**

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Legal Member/Chair

**19 June 2024**  
Date