



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the 29 November 2024**

**Chamber Ref: FTS/HPC/CV/24/4041**

**Re: Property at 28 Grange Wynd, Dunfermline, Fife, KY11 8QW (“the Property”)**

**Parties:**

**Mrs Kyung Mi Lee, 7 Fulmer Drive, Dunfermline, Fife, KY11 8JY (“the Applicant”)**

**Mr Kerr Robert Clelland, 28 Grange Wynd, Dunfermline, Fife, KY11 8QW (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Helen Barclay (Ordinary Member)**

**Decision**

**[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made a Payment Order in favour of the Applicant against the Respondent in the sum of £2,588.00.**

**Background**

[2] The Applicant seeks a Payment Order in the sum of £2,588.00 in respect of arrears of rent said to have been accrued by the Respondent under a tenancy between the parties. The Application is accompanied by a copy of the relevant tenancy agreement and rent statements.

**The Case Management Discussion**

[3] The Application called for a Case Management Discussion (“CMD”), by conference call at 2pm on 29 November 2024. The Applicant was represented by Ms Skelton of Fife Lettings. The Respondent was personally present. Neither party had any preliminary matters to raise.

[4] The Respondent helpfully explained his position. He had alcohol issues. He had lost his job. He lived alone in the Property and had accrued large rent arrears. It was explained that the Respondent was not opposed to the Application being granted. He accepted that his arrears would continue to accrue and that he had obtained advice from housing services. Having heard from parties and having considered the whole facts and circumstances of the case, the Tribunal made the following findings in fact.

### **Findings in Fact**

- I. *The Applicant let the Property to the Respondent by virtue of a Private Residential tenancy within the meaning of the Act;*
- II. *The Respondent fell into rent arrears and the sum of £2,588.00 is now lawfully due as arrears of rent by the Respondent to the Applicant;*
- III. *The Applicant has signposted the Respondent to sources of financial support;*
- IV. *The sum of £2,588.00 is resting owed as arrears of rent by the Respondent to the Applicant.*

### **Reasons for 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 £2,588.00.

### **Right of Appeal**

[6] 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. McLaughlin

Legal Member/Chair

29 November 2024

Date