



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/24/3209

Re: Property at 77 High Street, Carnoustie, Angus, DD7 6AD ("the Property")

Parties:

Mr Christopher Shields, 35 Glenochry Road, North Berwick, East Lothian, EH39 4QD ("the Applicant")

Ms Tarirayi Njanike, 77 High Street, Carnoustie, Angus, DD7 6AD ("the Respondent")

Tribunal Members:

Andrew McLaughlin (Legal Member) and Elaine Munroe (Ordinary Member)

[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 £7,800.00

Background

[2] The Applicant seeks a Payment Order in respect of rent arrears said to have been accrued by the Respondent under a tenancy between the parties.

[3] The Application is accompanied by a copy of the tenancy agreement and rent statements.

Case Management Discussion

[4] The Application called for a Case Management Discussion (“CMD”) by conference call at 2pm on 28 April 2025. The Applicant was personally present. The Respondent was also personally present.

[5] The Respondent accepted that she had accrued rent arrears in the sum of £7,800.00. and that she had not paid any rent at all since March 2024. The Tribunal discussed this with the Respondent. The Respondent explained that she worked full time as a nurse. She worked 44 hours a week. She explained that as soon as got paid she would spend her money immediately on gambling and drinking. The Applicant explained that the consequences of the Respondent’s non-payment of rent on him were significant. The Applicant still had to pay the mortgage on the Property in the sum of around £350.00. The Applicant had recently been made redundant. The Respondent lived alone in the Property. She appeared to have no legitimate defence to the Application and simply made reference to her gambling issues.

[6] Having heard from the Applicant’s representative and considered the whole facts and circumstances of the case, the Tribunal made the following findings in fact.

Findings in fact

1. *The Parties entered into a tenancy agreement in terms of which the Applicant let the Property to the Respondent;*
2. *The tenant has accrued rent arrears of £7,800.00 and these sums are resting owed to the Applicant by the Respondent.*

Decision

[7] Having made the above findings in fact, the Tribunal granted the Application and made a Payment Order in favour of the Applicants against the Respondent in the sum of £7,800.00

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

Andrew McLaughlin
Legal Member/Chair

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28 April 2025
Date