



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/24/5097

Property: 13 Craigbo Terrace, Buckie AB56 1TP (“Property”)

Parties:

Wilson Fishing Ltd, 8 King Street, Buckie, Banff AB56 1SH (“Applicant”)

Cluny Estate Agents, 5 Thunderton Place, Elgin, Moray IV30 1BE (“Applicant’s Representative”)

Kirsty Dodds, 13 Craigbo Terrace, Buckie AB56 1TP (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Ahsan Khan (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for payment of £1,500 should be made.

The Applicant sought an order for payment of £2,350 in respect of rent arrears. The Applicant had lodged Form F. The documents produced were: a Private Tenancy Agreement which commenced on 22 August 2019 and a statement of rent arrears. The Application was served on the Respondent by sheriff officer on 20 March 2025. On 7 and 13 May 2025 the Applicant’s Representative lodged updated statements of rent arrears which indicated arrears of £2,900 as at 10 April 2025 and of £3,450 as at 10 May 2025. Both updated statements of arrears were sent to the Respondent on 15 May 2025.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 23 May 2025 by teleconference. The Respondent was in attendance and the Applicant was represented by Charlie Beck of the Applicant’s Representative.

The Respondent told the Tribunal that she did not oppose the application being granted. The Respondent said that she is not working and has put on hold completion of a university degree due to ill health. She said that she suffers from mental health issues. The Tribunal noted that the rent had been paid in recent months but there had been a problem at the end of 2024. The Respondent said that was due to her partner becoming ill when they were abroad and also due to issues with her partner's job. She said that her partner had obtained a new job in recent months. The Respondent said there had been various issues at the Property regarding repairs not being carried out. She said the glass in the front door was smashed, the flooring in the kitchen needed to be replaced, the shower did not work and there was mould in the bathroom and living room. She said she had reported these issues but nothing was done.

Mr Beck told the Tribunal that the Applicant was sympathetic to the Respondent's position but they were concerned that the rent arrears would not be paid.

The Tribunal noted that the Respondent had raised concerns about repairs not being carried out and noted that the Respondent may seek an abatement of rent. The Respondent confirmed that was correct. Mr Beck said that the Applicant was unlikely to pursue the arrears. The Tribunal adjourned for 30 minutes to allow Mr Beck to take instructions from the Applicant.

The Tribunal reconvened and Mr Beck told the Tribunal that the Applicant was content to accept £1500 in place of the sum claimed. He said he had discussed this with the Respondent during the adjournment. The Respondent said that was correct and that she was content to agree a figure of £1500 for the arrears, taking into account a rent abatement in respect of outstanding repairs.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement which commenced on 22 August 2019.
2. In terms of the Tenancy agreement the rent was £550 per month.
3. The Respondent failed to pay the rent in full for the period 10 December 2022 to 10 May 2025. The unpaid amount was £3,450.
4. The Applicant reduced the sum claimed to £1500 to take account of outstanding repairs at the Property.

Reasons for the Decision

The Tribunal determined to make an Order for payment. In terms of the tenancy agreement rent was due at the rate of £550 per month. The Respondent failed to pay the rent in full for the period 10 December 2022 to 10 May 2025. The unpaid amount was £3,450. There were outstanding repairs at the Property. The Applicant wished to reduce the sum claimed to £1500 to take account of the situation with the repairs. The Respondent accepted £1500 as an appropriate figure.

Decision

The Tribunal grants an order for payment of £1,500.

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.

Joan Devine

Joan Devine
Legal Member

Date: 23 May 2025