

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Regulations”)

Chamber Ref: FTS/HPC/CV/24/4472

Re: Property at 69 MacKinnon Place, Dunfermline, Fife, KY11 8PW (“the Property”)

Parties:

Kingdom Initiatives, Saltire Centre, Pentland Court, Glenrothes, KY6 2DA (“the Applicant”)

Ms Claire Tinto, Mr Dale Hunter, 69 MacKinnon Place, Dunfermline, Fife, KY11 8PW (“the Respondent”)

Tribunal Members:

Nicola Weir (Legal Member) and Mary Lyden (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the Respondent in the sum of £3,880.82 should be made in favour of the Applicant.

Background

1. By application received on 24 October 2024, the Applicant applied to the Tribunal for an order for payment of rent arrears in the sum of £3880.82 against the Respondent. Supporting documentation was submitted in respect of the application. An application for eviction was submitted at the same. The applications were conjoined and proceeded through the Tribunal process together.
2. Following initial procedure and submission of further documentation by the Applicant, a Legal Member of the Tribunal with delegated powers from the

Chamber President issued a Notice of Acceptance of Application in terms of Rule 9 of the Regulations on 5 December 2024.

3. Notification of the application and details of the Case Management Discussion ("CMD") fixed for 27 May 2025 was served on the Respondent by way of Sheriff Officer. In terms of said notification, the Respondent was invited to lodge written representations.
4. On 29 April 2025, the Respondent, Mr Dale Hunter, lodged a time to pay application, admitting the debt and providing an explanation for same. He offered to make payments towards the rent arrears at the rate of £100 per week.
5. On 12 May 2025, the Respondent, Ms Claire Tinto, re-submitted a time to pay application which she had sought to lodge earlier, admitting the debt and providing an explanation for same. She offered to make payments towards the rent arrears at the rate of £850 per calendar month and to make her first payment by 14 May 2025.
6. On 14 May 2025, the Applicant's representative lodged a response to the time to pay application, confirming that the Applicant would accept the payment offers made and requesting that the Tribunal dispose of the payment application by making an Order, allowing time to pay in the agreed terms. The Applicant's representative subsequently confirmed to the Tribunal, that, in view of the agreed time to pay applications, the conjoined eviction application was withdrawn and requested that the CMDs scheduled for 27 May 2025 at 10am in respect of both applications be cancelled.
7. The Tribunal confirmed to parties on 22 May 2025 that the CMDs were cancelled and that the documentation in respect of this application would be issued shortly.
8. The Tribunal Members conferred and decided to grant a payment order in the agreed terms.

Decision/Reasons

9. The Tribunal Members conferred on the matter and determined, in the circumstances, to deal with the matter under Rule 18 (*Power to determine the proceedings without a hearing*). Given the agreed position of the parties, as stated in their respective written representations, the Tribunal decided to grant the order sought in the sum of £3,880.82 in respect of rent arrears admitted by the Respondent as owing, subject to the agreed time to pay provisions. In these circumstances, the Tribunal has made no findings-in-fact regarding the merits of the application and the reasons for this Decision are as stated above, namely the agreed position of the parties.

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.

Nicola Weir

Legal Member/Chair

27 May 2025
Date