



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/24/3535

Re: Property at 21 Victoria Street, Newport on Tay, Fife, DD6 8DJ (“the Property”)

Parties:

Mrs Frances Whittaker, 7 Lorne Street, Lytham, Lancashire, FY8 5BU (“the Applicant”)

Mrs Gemma Rice, Mr Allhan Rice, 35 King Street, Newport on Tay, Fife, DD6 8BE (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal 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 in the sum of £1,425.00.

Background

[2] The Applicant seeks a Payment Order in the sum of £2,550.33 against the Respondents for sums said to be due to her under a tenancy between the parties. The sum includes £1,425.00 of rent arrears and £1,125.33 for the costs of allegedly making good damage to the Property.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 24 June 2025. The Applicant was personally present. Ms Gemma Rice was also present. There was no appearance by Mr Allhan Rice. He had been competently served the Application by means of advertisement on the Tribunal website. He and Ms Rice had lived in the Property as a couple but were now estranged and lived apart. The Tribunal therefore proceeded in the absence of Mr Rice.

[4] The Tribunal discussed the Application and noted that after some discussion, parties were content to resolve the matter by the Tribunal making a Payment Order for the sum of the rent arrears claimed only. The Tribunal ensured that all parties understood and accepted the terms of this disposal. The Tribunal therefore made the following findings in fact which were accepted by both parties.

Findings in Fact

- 1) *The Applicant let the Property to the Respondents under the terms of an Assured Tenancy which commenced in 2014. On 1 February 2022, the parties signed a new Private Residential Tenancy Agreement in respect of the Property.*
- 2) *The Respondents vacated the Property on 3 July 2024 with rent arrears due to the Applicant in the sum of £1,425.00*
- 3) *The sum of £1,425.00 is resting owed to the Applicant by the Respondents.*

Reasons for Decision

[5] Having made the above findings in fact, the Tribunal granted the Application to the extent of making a Payment Order in favour of the Applicant against the Respondents in the sum of £1,425.00. Ms Gemma Rice explained that she might apply for a Time to Pay Direction. Parties were unable to agree on an acceptable repayment plan during the CMD itself. The Tribunal explained that this could only be properly considered if the Application was submitted with the appropriate details and vouching in respect of any savings, income and outgoings available to the Respondents who were both jointly and severally liable to the Applicant for the sum awarded. Both parties indicated that they understood and were content with the decision.

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.

A.McLaughlin

Legal Member/Chair

03 July 2025
Date