



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/24/4704

Re: Property at 17 Thane Road, Glenrothes, KY7 4BP (“the Property”)

Parties:

Executor of the late John Elliott ., c/o Innes Johnston LLP, 14 North Street, Glenrothes, Fife, KY7 5NA (“the Applicant”)

Ms Ann Smart, Ms Lauren Smart, 17 Thane Road, Glenrothes, KY7 4BP (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision (in absence of the Respondents)

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) made a Payment Order in favour of the Applicant against the Respondents in the sum of £14,085.29

Background

[2] The Applicant seeks a Payment Order in respect of rent arrears said to have been accrued by the Respondents under a tenancy between the Respondents and the Applicant’s late husband from whom she inherited the landlord’s interest.

[3] The Application is accompanied by a copy of the tenancy agreement, rent statements and proof of the Applicant acquiring title and interest to bring these proceedings.

Case Management Discussion

[4] The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 14 July 2025. The Applicant was represented by Ms McAndie, Solicitor. There was no appearance by or on behalf of the Respondents. The Respondents had received intimation of the Application and information about how to join the conference call by Sheriff Officers. The Tribunal therefore decided to proceed in the absence of the Respondents.

[5] 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 Applicant acquired the landlord's interest in a tenancy agreement in terms of which the Property was let to the Respondents.*
2. *The Respondents have accrued rent arrears of £14,085.29 and this sum is resting owed to the Applicant by the Respondents.*

Decision

[6] Having made the above findings in fact, the Tribunal granted the Application and made a Payment Order in favour of the Applicant against the Respondents in the sum of £14,085.29

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

14 July 2025
Date