



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

Chamber Ref: FTS/HPC/CV/25/0640

Property at 5 Youngs Terrace, Kirkcaldy, Fife, KY1 1BU (“the Property”)

Parties:

Zahid Mukhtar and Nabila Mukhtar as Trustees for the Firm of the Mukhtar Partnership, Victory House, 164 Overton Road, Kirkcaldy, KY1 2DY (“the Applicant”)

Ms Yvonne Leeanne Somerville, Mr James Thomas Charles Bartie, 5 Youngs Terrace, Kirkcaldy, Fife, KY1 1BU (“the Respondents”)

Tribunal Members:

Josephine Bonnar (Legal Member) and Elizabeth Dickson (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment of the sum of £11,550 should be granted against the Respondents in favour of the Applicants.

Background

1. The Applicant seeks a payment order in terms of Section 71 of the 2016 Act. A tenancy agreement, rent statement, and evidence of compliance with the rent arrears pre action protocol were lodged with the application.
2. A copy of the application was served on the Respondents by Sheriff Officer. The parties were notified that a case management discussion (“CMD”) would take place by telephone conference call on 21 August 2025 at 10am and that they were required to participate.

3. The CMD took place on 21 August 2025. The Applicants were represented by Ms McAndie. The Respondents did not participate. A related application for an eviction order was also discussed.

Summary of Discussion at CMD

4. Ms McAndie told the Tribunal that the Respondents are still believed to be in occupation of the property, but there has been no recent contact. The rent arrears have increased to £14,850 with no recent payments. The Tribunal noted that the Applicants had not submitted an updated rent statement with a request to amend the application prior to the CMD. As a result, it would not be appropriate to allow the application to be amended. Ms McAndie said that the Applicants are only seeking a payment order for the sum specified in the application at this stage.

Findings in Fact

5. The Applicants are the owners and landlords of the property.
6. The Respondents are the tenants of the property in terms of a private residential tenancy agreement.
7. The Respondents are due to pay rent at the rate of £550 per month.
8. The Respondents have been in arrears of rent since May 2023, and no payments have been made since July 2023.
9. The Respondents owe £11,550 in unpaid rent.

Reasons for Decision

10. Based on the documents submitted with the application, and the information provided at the CMD, the Tribunal is satisfied that the Respondents owe the sum of £11,550 in unpaid rent and that the Applicants are entitled to a payment order for this sum.

Decision

11. The Tribunal determines that a payment order should be granted against the Respondents.

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.

Josephine Bonnar

Legal Member:

21 August 2025