

Housing and Property Chamber
First-tier Tribunal for Scotland



**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/24/4647

Re: Property at 42 Warwick Close, Leuchars, KY16 0HP (“the Property”)

Parties:

Ms Lynda Wilson, Edencroft, Edenside, Guardbridge, KY16 9SQ (“the Applicant”)

Ms Deborah Sedgley, 42 Warwick Close, Leuchars, Fife, KY16 0HP (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member) and Ahsan Khan (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondent to the Applicant in the sum of £1666.00 but subject to the terms of a Time to Pay Direction that the Respondent make payment of the sum of £1666.00 by 15 January 2026.

Background

1. By application dated 4 October 2024 the Applicant’s representatives, Rollos Law LLP, Solicitors, St Andrews, applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondent’s tenancy of the property. The Applicant’s representatives submitted a copy tenancy agreement, copy rent increase notice and delivery receipt together with rent statements in support of the application.
2. By Notice of Acceptance dated 16 December 2024 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.

3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 25 March 2025.
4. By email dated 28 May 2025 the Applicant's representatives submitted further written representations to the Tribunal.
5. By email dated 3 June 2025 the Respondent's representative Ms Magdalena Johnston of Frontline Fife, Kirkcaldy, submitted written representations on behalf of the Respondent.
6. By email dated 6 June 2025 the Applicant's representatives submitted further written representations in response.
7. A CMD was held by teleconference on 12 June 2025. The Applicant did not attend but was represented by Ms Dorka Ilonka from the Applicant's representatives. The Respondent did not attend but was represented by Ms Magdalena Johnston. The CMD was adjourned to a hearing to allow Ms Johnston to take full instruction from the Respondent as regards the validity of the Rent Increase Notice and the amount of Rent due and the options open to the Respondent for payment.
8. By email dated 1 and 2 October 2025 the Applicant's representatives submitted further written representations to the Tribunal.
9. By email dated 6 October 2025 the Respondent's representatives submitted further written representations to the Tribunal.
10. By email dated 8 and 14 October 2025 the Applicant's representative submitted further written representations to the Tribunal.

The Hearing

11. A hearing was held by teleconference on 15 October 2025. The Applicant attended in person and was represented by Ms Ilonka. The Respondent did not attend but was represented by Ms Johnston.
12. Ms Johnston explained that the Respondent was unable to attend due to health reasons and the effects of medication. In response to a query from the Tribunal Ms Johnston confirmed that the Respondent now accepted that the Rent Increase Notice dated 18 April 2024 had been properly served on the Respondent and was no longer being challenged.
13. For the Applicant Ms Ilonka advised the Tribunal that the amount of rent currently due by the Respondent as shown on the rent statement submitted on 14 October 2025 amounted to £1666.00. Ms Johnston confirmed that this amount was accepted by the Respondent as being due to the Applicant and there was no objection to an order for payment in that amount being granted.

14. Following some discussion with regards to the effect having arrears of rent might have on the Respondent's application for Local Authority Housing it was agreed between the Applicant and the parties' representatives that the Respondent would enter into a payment plan to reduce the rent arrears over the next three months by £500.00 and that the Respondent's deposit would be paid to the Applicant at the end of the tenancy to clear the remaining arrears. In the circumstances it was agreed that the Tribunal should grant a Time to Pay Direction in terms of the Debtors (Scotland) Act 1987 providing that the Respondent should repay the debt within a period of three months from the date of the decision.

Findings in Fact

15. The Respondent commenced a Private Residential Tenancy of the property on 1 March 2019 at a rent of £550.00 per month.
16. The rent was increased with effect from 1 August 2024 to £615.00 per month.
17. At the date of the CMD the Respondent owed rent amounting to £1666.00.
18. The Respondent agreed to enter into a payment plan to reduce the amount of rent due by £500.00 over the three months from October 2025 to January 2026 and clear the balance of the debt by 15 January 2026.

Reasons for the Decision

19. It was a matter of agreement between the parties that the Respondent owed the Applicant rent amounting to £1666.00.
20. It was also agreed that the Respondent would remain in the property for a period of three months and during that time would reduce the rent arrears by £500.00. and agree to her deposit being paid to the Applicant at the end of the tenancy and that the Tribunal should make a Time to Pay Direction.

Decision

21. The Tribunal finds the Applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £1666.00 but subject to the terms of a Time to Pay Direction that the Respondent make payment of the sum of £1666.00 by 15 January 2026.

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.

G Harding

Graham Harding
Legal Member/Chair

15 October 2025
Date