



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/25/1569

Re: Property at 309 Cameron Crescent, Bonnyrigg, EH19 2PL (“the Property”)

Parties:

Mrs Carol-Anne Wightman and Mr Steven Wightman, 5 Burnbrae View, Bonnyrigg, EH19 3BZ (“the Applicants”)

Ms Cam Catherine Mullen, 3 Vogrie Place, Gorebridge, Midlothian, EH23 4DH (“the Respondent”)

Tribunal Member: Shirley Evans (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment against the Respondent in favour of the Applicants in the sum of FOUR THOUSAND THREE HUNDRED AND TEN POUNDS AND FIFTY FOUR PENCE (£4310.54) STERLING. The order for payment will be issued to the Applicants after the expiry of 30 days mentioned below in the right of appeal section unless an application for recall, review or permission to appeal is lodged with the Tribunal by the Respondent.

Background

1. This is an action for rent arrears in terms of Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”).
2. The Tribunal proceeded with a Case Management Discussion (“CMD”) on 18 February 2026 by way of teleconference. The Applicants were represented by Ms O’Keefe, Senior Property Manager at Professional Property Letting. Ms Mullen the Respondent appeared on her own behalf.

3. During the CMD, Ms O'Keefe for the Applicants submitted that the arrears at termination of the tenancy after the tenancy deposit had been applied were £8621.08. The Respondent submitted she had not paid rent as she had had no heating or hot water for 6-7 months prior to the tenancy terminating in May 2025. The Respondent made submissions she was willing to pay half of the outstanding arrears at the rate of £50 per month. Ms O'Keefe had no instructions as to whether that was acceptable.
4. The Tribunal decided to fix a Hearing for evidence to determine the nature and dates of any complaints made by the Respondent from October 2024, whether and how the Applicants responded to any complaints of disrepair within a reasonable period of time of being notified of the need to repair from October 2024, whether and when the Respondent first put the Applicants on notice that she would not pay rent until repairs were addressed after October 2024, whether any rent was lawfully due between October 2024 and May 2025 and if so the amount of rent lawfully due and the amount of any abatement in rent and the amount of arrears.
5. The Tribunal emphasized to parties that whilst it was fixing a Hearing, if the Applicants were willing to accept the Respondent's offer, the Tribunal would be able to make a payment order without hearing evidence. The Tribunal checked with the Respondent as to whether she understood that if the Applicants accepted her offer that a payment order would be made against her. Ms Mullen understood that. The Tribunal requested that parties let the Tribunal know if an agreement was reached between parties.
6. On 20 February 2026 Ms O'Keefe for the Applicants emailed the Tribunal to advise that although the Applicants disputed that the Respondent had not had any heating or hot water, in order to bring the matter to a close and by way of compromise, they reluctantly accepted the Respondent's offer to repay rent arrears of £4310.54 at £50 per month. On 24 February 2026, the Respondent confirmed she was willing to settle the matter on that basis.

Reasons for Decision

7. The Tribunal considered the emails from both parties and was satisfied that parties had come to a compromise that the Respondent pay half of the arrears of £8621.08 at the termination of the tenancy, being £4310.54, at the rate of £50 per month. The Tribunal therefore decided to determine the case without a Hearing in terms of Rule 18 of the Regulations being satisfied that it was not contrary to the interests of justice to do so.

Decision

8. The Tribunal granted an order for payment for £4310.54 in favour of the Applicants against the Respondent to be paid at £50 per month.

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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

S. Evans

6 March 2026

Legal Member

Date