



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 70 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/25/2694

Re: Property at 15 Craigdimas Grove, Dalgety Bay, Fife, KY11 9XR (“the Property”)

Parties:

Mr Dhanesh Maraye, Mrs Neeveditah Pariag-Maraye, 68A Hepburn Gardens, St Andrews, Fife, KY16 9DQ; 68 Hepburn Gardens, St Andrews, Fife, KY16 9DQ (“the Applicant”)

Ms Melissa Ross, Mr Marshall Purves, 15 Craigdimas Grove, Dalgety Bay, Fife, KY11 9XR; 31 Craig Seaton, Broxburn, EH52 6BA (“the Respondent”)

Tribunal Members:

Melanie Barbour (Legal Member) and Angus Lamont (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order in favour of the Applicant against the Respondent for payment of EIGHTEEN THOUSAND NINE HUNDRED NINETY FIVE POUNDS EIGHTY NINE PENCE (£18,995.89) STERLING together with interest at the rate of 4 per centum per annum from the date of this order.

Background

1. An application had been received under Rule 111 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for payment.

2. The application included: -
 - a. Tenancy agreement,
 - b. Notice to leave with evidence of service.
 - c. Section 11 Notice with evidence of service
 - d. Statement by landlord
 - e. Rent statements

3. The applicant's agent, Mr Gardiner from Messrs. Lindsays, appeared. The respondent also appeared at the case management discussion on 17 February 2026.

Discussion

4. The applicant's agent advised that he was seeking
 - a. an order for recovery of the possession of the property under ground 4 (landlord intends to live in the property).
 - b. to amend the payment order to £18,995.89.
 - c. interest on the payment order of 4%.
 - d. He only sought an order for eviction and payment against the first respondent, Melissa Ross. The other tenant previously referred to had vacated the property and that tenancy had ended, and a new one had been created in November 2024.

5. The first respondent advised that she did not oppose the order for eviction. She also did not oppose amending the payment order to £18,995.89 or the imposition of interest at 4%. She did not oppose the payment order being made. Finally, she was not opposed to these proceedings being sought only against her.

6. The applicants' agent advised that prior to the notice to leave having been served in November 2024, the second respondent had left the property. The

tenants had indicated that they were terminating the tenancy in October 2024. The second respondent did leave. The tenancy would terminate on 4 November 2024. The first respondent asked to stay until 20 November 2024. She paid rent on 11 November 2024. Ms Ross had then remained in the property. Ms Ross made no further payment of the rent. There had been no payment to the arrears. The rent paid by her was a % due for the month and was in accordance with the rent owed in the tenancy agreement.

7. The agent referred to the detailed statements provided by the applicants, which explained their circumstances and why they wished to return to their property.
8. The respondent said nothing in opposition to anything that was said by the agent.

Findings in Fact

9. The Tribunal found the following facts established: -
 10. There existed a private residential tenancy between the Applicant and the Respondent. There had been two tenants in the property until October 2024. In October 2024, they had given notice that they were leaving. On 4 November 2024, Ms Ross said she could not leave. Then the other tenant left on that date. Ms Ross asked to remain until 20 November 2024. On 11 November 2024, she paid £604.11 in rent. A new tenancy was created on that date. She did not vacate on 20 November 2024. She paid no further rent after that date.
 11. The tenant was Melissa Ross.
 12. The landlord was Dhanesh Maraye and Neeveditah Pariag-Maraye.
 13. The property is 15 Craigdimas Grove, Dalgety Bay, Fife.
 14. A notice to leave was submitted dated 19 November 2024, stating that an application would not be made until 17 March 2025. It sought eviction under ground 4. There was evidence of service.

15. A section 11 notice had been sent to the local authority advising that the landlord was seeking possession of the property. There was evidence of service of that notice.
16. The landlord intended to move back into the property. They are residing in temporary accommodation. Their belongings are in storage. They are detrimentally financially impacted by the ongoing rent arrears. They had no other property to move to.
17. Rent per month was £1250.00.
18. There are rent arrears of £18,995.89 due by the tenant.
19. The last payment to rent was 11 November 2024.

Reasons for Decision

20. Section 71 of the 2016 Act provides the Tribunal with the power to deal with civil matters arising out of private residential tenancies, liability for failure to pay contractual rent, if such a matter arises out of that contract.
21. The applicant's agent appeared. The respondent appeared. The applicant's representative confirmed that he sought an order for payment. The tenancy contract provided that rent was £1250 per month. The rent outstanding was £18,995.89. The respondent did not deny that she owed this sum. The agent had supplied an up-to-date rent statement showing the rent due.
22. The agent also sought interest at 4%. There was no objection to an award of interest.

Decision

23. The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined to grant an order in favour of the Applicant against the Respondent for payment of EIGHTEEN THOUSAND NINE HUNDRED

NINETY FIVE POUNDS EIGHTY NINE PENCE (£18,995.89) STERLING together with interest at the rate of 4 per centum per annum from the date of this order.

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.

Melanie Barbour

24th February 2026

Legal Member/Chair

Date