



**Decision with Statement of Reasons 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/25/3931**

**Re: Property at 3 Pettycur Bay, Kinghorn, KY3 9SB (“the Property”)**

**Parties:**

**Peter Waters, Sally Waters, 101 Rue Des Terrieres, Ruffieux, 73310, France (“the Applicants”)**

**Fiona Devine, 3 Pettycur Bay, Kinghorn, KY3 9SB (“the Respondent”)**

**Tribunal Members:**

**Ms H Forbes (Legal Member) and Ms J Heppenstall (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in favour of the Applicants in the sum of £6650 with interest thereon at the rate of 8% from the date of decision to the date of payment.**

**Background**

1. This is a Rule 111 application whereby the Applicants are seeking an order for payment in respect of outstanding rent arrears. The Applicant representative lodged a copy of a private residential tenancy agreement between the parties in respect of the Property, which tenancy commenced on 28<sup>th</sup> November 2023 at a monthly rent of £750. The Applicant representative lodged a rent statement showing arrears in the sum of £2950.
2. By email dated 4<sup>th</sup> March 2026, the Applicant representative lodged an application to amend the sum sought together with an updated rent statement showing arrears in the sum of £6650.
3. By email dated 9<sup>th</sup> March 2026, the Respondent requested postponement of the Case Management Discussion, providing a medical letter confirming a medical diagnosis and treatment plans.

4. By email dated 10<sup>th</sup> March 2026, the Respondent was advised to lodge evidence to show unavailability to attend the Case Management Discussion. No further evidence was lodged.
5. By email dated 13<sup>th</sup> March 2026, the Applicant representative opposed the application for a postponement.

### **Case Management Discussion**

6. A Case Management Discussion (“CMD”) took place by telephone conference on 18<sup>th</sup> March 2026. The Applicants were not in attendance and were represented by Ms Capaldi, Trainee Solicitor. The Respondent was in attendance. The Respondent indicated she was calling from hospital. The Respondent said she wished to proceed with the CMD.
7. Ms Capaldi explained the background to the Application and moved the Tribunal to grant an order in the amended sum together with contractual interest at the rate of 8% per annum.
8. The Respondent said she accepted that the sum of £6650 is outstanding.

### **Findings in Fact and Law**

9.
  - (i) Parties entered into a private residential tenancy agreement in respect of the Property which commenced on 28<sup>th</sup> November 2023 at a monthly rent of £750.
  - (ii) Rent lawfully due has not been paid by the Respondent to the Applicants.
  - (iii) The Applicants are entitled to recover rent lawfully due.

### **Reasons for Decision**

10. Rent lawfully due is outstanding. The Applicants are entitled to recover rent lawfully due. The tenancy agreement provides for the addition of interest at the rate of 8% per annum.

### **Decision**

11. An order for payment is granted in favour of the Applicant in the sum of £6650 with interest thereon at the rate of 8% per annum from the date of this decision to the date of payment.

### **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.**

**H Forbes**

**Legal Member**

**18<sup>th</sup> March 2026**

**Date**