



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/25/3874

Re: Property at 29 Caberfeidh Place, Strathpeffer, IV14 9FB (“the Property”)

Parties:

Highland Housing Alliance, Castle Heather, Inverness, IV2 6AA (“the Applicant”)

Miss Nikki Jane Lyon, 19 St Andrews Road, Dingwall, IV15 9AD (“the Respondent”)

Tribunal Members:

Gillian Buchanan (Legal Member)

Decision

At the Case Management Discussion (“CMD”), which took place by telephone conference on 23 March 2026, the Applicant was represented by Ms Claire Mullen of TC Young Solicitors, Glasgow. Ms Kelly Campbell and Ms Gail Matheson of the Applicant were also in attendance as observers.

The Respondent was also present and was represented by Ms Sue Brown of the Salvation Army.

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that –

Background

- i. The Applicant is the heritable proprietor of the Property.
- ii. The Applicant leased the Property to the Respondent in terms of a Private Residential Tenancy Agreement (“the PRT”) that commenced on 1 April 2022.
- iii. The rent payable in terms of the PRT was initially agreed to be £599.21 per calendar month.
- iv. A Rent Increase Notice was subsequently served by the Applicant on the Respondent increasing the rent to £616.55 with effect from 1 August 2023.
- v. A further Rent Increase Notice was served by the Applicant on the Respondent increasing the rent to £639.43 with effect from 1 August 2024.
- vi. The application is dated 10 September 2025 and in terms thereof the Applicant seeks a payment order of £7,125.78 with interest thereon relative to the cumulative

total of rent arrears and the cost of apparent remedial works required to the Property following the departure of the Respondent.

The CMD

At the outset of the CMD Ms Brown for the Respondent made the following oral submissions-

- i. When the Respondent first rented the Property she was a young woman in full-time employment with Highland Council.
- ii. The Respondent is no longer working. She resides in homeless accommodation in Dingle and is in receipt of Adult Disability Payment and Universal Credit.
- iii. The Respondent is no longer able to work.
- iv. Her life has changed and she suffers physical and mental health issues.
- v. She is not securely housed and has no spare money.
- vi. The Respondent signed a Trust Deed with Carrington Dean. However, the Trust Deed has been removed from the Register and the debts returned to the Respondent.
- vii. She is awaiting a Dissolution Statement from Carrington Dean and will then make a full bankruptcy application.
- viii. The bankruptcy application is being handled by the Citizens Advice Bureau and the sums due in terms of this application will form part of the debts of the bankruptcy.
- ix. The bankruptcy application will be granted within seven days of the application being lodged.
- x. The Respondent receives total income of £1000 per month to pay her household expenses.
- xi. In light of the Respondent's circumstances she does not oppose the order for payment being granted as sought by the Applicant.

Ms Mullen for the Applicant then stated –

- i. She was no aware of the circumstances narrated for the Respondent until the CMD.
- ii. The Applicant still seeks an order for payment against the Respondent per the application to include interest at the judicial rate from the date thereof.
- iii. There is no provision for interest in terms of the PRT and the Applicant invites the Tribunal to exercise its discretion favourably in terms of Rule 41A of the First-tier Tribunal for Scotland Housing and Property Chamber Ryles of Procedure 2017.

Reasons for Decision

In light of her circumstances as narrated at the CMD and her forthcoming bankruptcy, the Respondent did not oppose an order for payment being granted in favour of the Applicant.

The Tribunal determined that no award of interest would be made, there being no provision for interest being charged in terms of the PRT.

Decision

Of consent, the Tribunal grants a payment order against the Respondent in favour of the Applicant in the sum of £7,125.78.

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.

Gillian Buchanan

Legal Member/Chair

23 March 2026
Date