



**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/26/0006

**Re: Property at 7 Westerton Avenue, Broughty Ferry, Dundee, DD5 3NJ (“the
Property”)**

Parties:

Mrs Judith Jamieson, 10 Dunmore Gardens, Dundee, DD2 1PP (“the Applicant”)

**Ms Nichola Starkey-Fraser, Mr Ewan Starkey, 18 The Railings, Leysmill,
Arbroath, DD11 4RR; 18 The Railings, Leysmill, Arbroath, DD11 4RR (“the
Respondent”)**

Tribunal Members:

Yvonne McKenna (Legal Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an Order for Payment in the sum of £2275 be made
in favour of the Applicant. The Tribunal also made a Time to Pay Direction for
payment by monthly instalments of £300.**

Background

1. The Applicant sought an Order for Payment of £2275 in respect of rent arrears. The Applicant had lodged Form F. The documents produced were a Tenancy Agreement with a start date of 1 July 2024, and a rent statement showing arrears of £2275. There was also confirmation from ‘Safe Deposits Scotland’ that the deposit had been returned to the Applicant. This was reflected in the rent statement. Finally, there was correspondence between parties regarding the arrears of rent.

2. The Applicant attempted to settle the dispute without court action. From April 2025 onwards, they raised concerns about rent shortfalls and engaged in written correspondence with the Respondent.
3. Sheriff Officers had effected service on the Respondent successfully on 4 June 2026.
4. On 22 June 2026, the Respondent submitted written representations to the Tribunal stating that they accepted the payment sought was due and wished to enter into a payment plan with the Applicant. They were reminded to submit an Application for a Time to Pay Direction.
5. On 25 June 2026, the Applicant submitted written representations to the Tribunal stating that they accepted the offer of time to pay but wished assurances from the Tribunal regarding the payment plan and enforcement thereof.

The Case Management Discussion ('CMD')

6. A CMD took place before the tribunal on 3 July 2026 by teleconference. The Applicant was present. The First Named Respondent was present and said that she was also representing the Second Named Respondent's position at the CMD.
7. The Tribunal enquired regarding the Respondent's position. The Respondent said that they accepted the sum sought was due. She said that they had submitted an application for a Time to Pay Direction to the Tribunal yesterday. Time was afforded for this to be uploaded by the Tribunal's Clerk and forwarded to the Legal Member and the Applicant. The Respondent confirmed that they offered to pay the arrears of rent at the rate of £300 per month. She confirmed that they would be able to afford that. The Applicant said that she was willing to accept the Time to Pay request.
8. At the date of the CMD, the Respondent is due the Applicant by way of rent arrears £2275.

Findings in Fact

9. The parties entered into a Private Residential Tenancy with a commencement date of 1 July 2024.
10. The rent payments due under the lease were £1350 per calendar month due in advance each month with the payments due on the first day of each month.
11. The Respondent has been in arrears of rent since April 2025.
12. The Applicant received the deposit back for the Property from 'Safe Deposits Scotland' which went towards the rent arrears.
13. The amount outstanding as at today's date is £2275.

14. The Applicant seeks £2275 which is lawfully due to them in rent in terms of the lease.

Reasons for Decision

15. The Respondent has failed to make payment of the rent lawfully due in terms of the lease between the parties.

16. Having made the above findings, the Tribunal determined to grant the Payment Order sought in favour of the Applicant. The Tribunal noted there was a history of rent arrears. The Applicant appeared to have made sustained efforts to obtain the sums due in rent. The Respondent accepted the sum sought was due and owing by them to the Applicant.

17. On 2 July 2026, the Respondent submitted an Application for a “Time to Pay Direction” under the Debtors (Scotland) Act 1987 in which they admitted liability for the Applicant’s claim against the Respondent. The First named Respondent provided the Tribunal with details of her employment status and her financial position and requested a Time to Pay Direction of instalments of £300 per month. The Applicant advised the Tribunal that they were content with the Respondent’s proposal to pay by instalments of £300 per month. Accordingly, an Order for Payment and a Time to Pay Direction was made. The Tribunal determined that the Time to Pay Direction should be for instalments of £300 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.

Y.McKenna

3 July 2026

Legal Member/Chair

Date

