Housing and Property Chamber
First-tier Tribunal for Scotland

Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/26/0381

Re: Property at 52 Cumbrae Terrace, Kirkcaldy, KY2 6SQ ("the Property")

Parties:

Ms Lesley Harrison, Mr David Meek, 21 Globe park, Broxburn, EH52 6EF; 21 Globe Park, Broxburn ("the Applicant")

Ms Michelle Hood, Mr Michael Kellichan, 23 Lismore Avenue, Kirkcaldy, KY2 6PQ ("the Respondent")

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the Applicants are entitled to an order for payment for £4975 (FOUR THOUSAND NINE HUNDRED AND SEVENTY FIVE POUNDS)

Background

1. An application was received by the Housing and Property Chamber dated 23 January 2026. The application was submitted under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the Regulations"). The application was based on the Respondents' failure to maintain rent payments.

2. On 15 August 2026, all parties were written to notifying them of the Case Management Discussion ("CMD") scheduled for 27 October 2026 at 2.00pm by teleconference. The letter also requested that all written representations be submitted by 5 September 2026.

3. On 19 August 2026, sheriff officers served the letter notifying the Respondents of the CMD date and accompanying documentation upon both Respondents by

letterbox service. This was evidenced by a Certificate of Intimation dated 19 August 2026.

4. On 29 September 2026, the Housing and Property Chamber received a Time to Pay Direction ("TTPD") from the Respondents offering payments of £80 per month towards the arrears. This was dated 23 September 2026.

The Case Management Discussion

5. A CMD was held on 27 October 2026 at 2.00pm by teleconference. The Applicants were present and represented themselves. Ms Harrison spoke on behalf of both Applicants. The Respondents were present and represented themselves. Ms Hood spoke on behalf of both Respondents.

6. The Applicants had seen and considered the TTPD. They did not consider £80 per month to be sufficient as it would take more than five years to repay the arrears in full. The Applicants stated that they had previously entered into payment arrangements with the Respondents which had not been maintained. They did not wish to be placed in that position again. The Tribunal explained that the Order could be enforced in the event of any default. The Applicants continued to seek a full order for payment.

7. The Respondents did not dispute the arrears. They stated that they did not have sufficient income to pay more than £80 per month. Mr Meek had experienced problems with his knee which had required surgery and he now required a knee replacement. This had significantly limited his ability to work. The Respondents maintained that they would only be able to pay £80 per month. They stated that they may need to consider bankruptcy if required to pay the full amount immediately.

8. The Applicants stated that the Respondents had previously obtained financial assistance from family members and were therefore reluctant to accept an offer of reduced monthly payments when they believed that there may be scope for a larger payment or earlier repayment of the debt. The Applicants also wished to explore the possibility of earnings arrestment.

9. The Tribunal was satisfied that the outstanding sum of £4,975 was due by the Respondents to the Applicants and that it was appropriate to grant an Order for Payment accordingly.

Findings in Fact and Reasons for Decision

11. The parties entered into a Short Assured Tenancy on 25 September 2010 for a period of one year and thereafter on a month-to-month basis. An AT5 was signed by both parties on the same date as the tenancy agreement. Rent was

initially payable at £480 per month and was later increased to £650 per month. Rent was payable on the twenty-fifth day of each month.

12. The tenancy ended on 8 August 2025.

13. The Respondents persistently failed to pay rent at various times throughout the tenancy. As a result, rent arrears accrued.

14. The arrears are not disputed.

15. The arrears sought total £4,975.

16. The Applicants are due the amount sought from the Respondents.

Decision

17. The Tribunal found that the Applicants were entitled to an Order for Payment in the sum of £4,975.

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.

Gabrielle Miller

27th October 2026

Legal Member/Chair **Date**