



**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/19/0363

**Re: Property at 15 Rossland Place, First Floor Left, Kinghorn Burntisland, Fife,
KY3 9SS (“the Property”)**

Parties:

**Miss Kathryn Macrae, 14 Orchard Terrace, Kinghorn, Fife, KY3 9XU (“the
Applicant”)**

**Ms Margaret Hunter, 15 Rossland Place, First Floor Left, Kinghorn Burntisland,
Fife, KY3 9SS (“the Respondent”)**

Tribunal Members:

Nairn Young (Legal Member)

Decision

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

- **Background**

This is an application for an order for payment of rent arrears alleged to be due in relation to a short assured tenancy at the Property. It called for a case management discussion at 10am on 26 April 2019. Both the Applicant and the Respondent were present in person.

- **Findings in Fact**

The following facts were not in dispute:

1. The Respondent rented the Property from the Applicant in terms of a short assured tenancy commencing 10 June 2016 and running to 9 December 2016 (‘the tenancy’). In terms of the agreement between the parties, the tenancy

ran on thereafter on a month to month basis, until terminated. Rent of £495 was due on the tenth of each month.

2. On 18 October 2018, the Applicant served a notice to quit on the Respondent, giving notice that the tenancy would come to an end on 9 January 2019. Since the latter date, the Respondent has occupied the Property on the basis of a statutory assured tenancy.
 3. The Respondent has fallen into rent arrears. Over the period 10 January 2018 to 9 April 2019 payments totalling £5,287.56 were made towards the rent. Over the same period, £7,425 was due, leaving a shortfall of £2,137.44, which remains outstanding.
 4. The Respondent is not able on her current income both to cover the ongoing rent and make payment towards the arrears.
- Reasons for Decision
5. The Respondent owes the Applicant the amount of £2,137.44 and has been given a reasonable opportunity to pay. She is not able to make any offer to reduce the arrears. An order for payment of that amount is therefore appropriate.
- Decision

Order for payment by the Respondent to the Applicant of the amount of £2,137.44 (TWO THOUSAND ONE HUNDRED AND THIRTY- SEVEN POUNDS AND FORTY-FOUR PENCE STERLING) granted.

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.

Nairn Young

Legal Member/Chair

26 APRIL 2019

Date