



**Decision 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/22/1429**

**Re: Property at 3A Lord Gambier Wharf, Kirkcaldy, Fife, KY1 2SH (“the Property”)**

**Parties:**

**Mr David Deakin, Tyn-y-Byrwydel, Cwm Golay, Cyfronydd, Welshpool, SY21 9EZ (“the Applicant”)**

**Miss Holly Stafford, 3A Lord Gambier Wharf, Kirkcaldy, Fife, KY1 2SH (“the Respondent”)**

**Tribunal Members:**

**Richard Mill (Legal Member) and Ann Moore (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a payment order in the sum of Six Thousand One Hundred and Fifty Pounds (£6,150) be granted against the respondent**

**Introduction**

This is an application under rule 111 and section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.

Service of the proceedings and intimation of the Case Management Discussion (CMD) was effected upon the respondent by Sheriff Officers on 26 July 2022.

The CMD took place by teleconference at 10.00 am on 29 August 2022.

The applicant was represented by Miss Kelly Gibson of Messrs Ballantynes, Letting Agents. The respondent failed to lodge any submissions and did not participate in the hearing. There was no barrier to her doing so.

### Findings and reasons

The property is 3A Lord Gambier Wharf, Kirkcaldy, Fife KY1 2SH.

The applicant is Mr David Deakin. He is the heritable proprietor of the property and the registered landlord. The respondent is Ms Holly Stafford who is the tenant.

The parties entered into a private residential tenancy which commenced on 12 December 2019. The rent was stipulated at £575 per month.

The lease had a second named landlord, who was Mrs Shelley Deakin, the applicant's wife; also a registered heritable proprietor. Mrs Deakin died on 12 April 2021.

Throughout the duration of the tenancy, the respondent has fallen into arrears of the contractual rental payments. She has been consistently in arrears since March 2020. As at the date of this application to the tribunal (13 May 2022) the rent arrears amounted to £4,425. As at the date of the hearing the arrears had risen to £6,150.

The respondent has been provided with full advice regarding sources of advice to her and offered the option of entering into a repayment plan. Various proposals have been made and agreements reached, but they have not been adhered to by the respondent.

The application is supported by a detailed rent statement disclosing the sums which remain outstanding. The tribunal found this documentary evidence credible and reliable and attached weight to it.

The applicant is entitled to the recovery of arrears of rent due under and in terms of the lease.

The tribunal attached weight to the entirety of the unchallenged documentary evidence lodged on behalf of the applicant which was found to be both credible and reliable. The respondent has not opposed the application and has made no time to pay application.

### **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.**

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

Richard Mill

29 August 2022

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Legal Member/Chair

\_\_\_\_\_  
Date