

**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/23/3968

Re: Property at 164 Dallas Drive, Kirkcaldy, Fife, KY2 6NQ (“the Property”)

Parties:

**Mrs Elaine McFadyen, Mr Murray McFadyen, 79 The Avenue, Lochgelly, Fife,
KY5 9LL (“the Applicants”)**

**Ms Christine Greig, 164 Dallas Drive, Kirkcaldy, Fife, KY2 6NQ (“the
Respondent”)**

Tribunal Members:

Graham Harding (Legal Member) and Andrew McFarlane (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the Applicants were entitled to an order for payment
by the Respondent to the Applicants in the sum of £6500.00.**

Background

1. By application dated 8 November 2023 the Applicants’ representatives, Innes Johnston LLP, Solicitors, Glenrothes, applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondent’s tenancy of the property. The Applicants submitted a copy of the tenancy agreement together with a rent statement in support of the application.
2. By Notice of Acceptance dated 4 January 2024 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.
3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 25 January 2024.

The Case Management Discussion

4. A CMD was held by teleconference on 13 March 2024. The Applicant was represented by Ms McCreddie from the Applicants' representatives. The Respondent did not attend but was represented by her wife Ms Donna Greig.
5. Ms McCreddie advised the Tribunal that the rent arrears currently amounted to £8000.00. She accepted that the sum claimed had not been amended in accordance with the Tribunal rules and that in the circumstances the Tribunal could only award the sum previously claimed namely £6500.00 and asked the Tribunal to grant an order for payment in that amount. Ms Greig did not dispute that the sum was due.

Findings in Fact

6. The Respondent owed rent of £6500 .00 as at 16 October 2023 and this amount was still outstanding at the date of the CMD.

Reasons for Decision

7. The Tribunal was satisfied from the written representations and documents submitted by the Applicant's representatives together with the oral submissions that the Applicant was entitled to an order for payment by the Respondent in the sum of £6500.00.

Decision

8. The Tribunal finds the Applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £6500.00.

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.

G. Harding

Legal Member/Chair

13 March 2024
Date