



**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/25/1632

Re: Property at 16 Denburn Place, Kirkcaldy, KY2 5BL (“the Property”)

Parties:

Hampad Limited, Den Road, Kirkcaldy, KY1 2ER (“the Applicant”)

Mr Lee Duffy, Ms Leona Perrie, 7 Church Court, Kirkcaldy, KY1 1BG (“the Respondent”)

Tribunal Members:

Hilary Macandrew (Legal Member) and Gerard Darroch (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) issued an order for payment in the sum of Four Thousand Pounds (£4,000). The Respondent’s time to pay application was accepted by the Tribunal and therefore payment is to be made at the rate of £150 per month commencing 30 July 2026.

1) Background

- 1.1 The Applicant is seeking a Civil Order for payment in respect of rent arrears of £11,200.
- 1.2 The tenancy started on 13 September 2021. The rent was £400 per month. The tenancy ended on 9 December 2024.

- 1.3 The Respondent vacated the tenancy with rent arrears of £11,200. The Respondent disputed the level of arrears on the basis that the property fell below the tolerable standard and that the Respondent had incurred significant costs in maintaining the property.
- 1.4 The application to the Tribunal was made on 15 April 2025 and was accepted for determination by the Tribunal on 9 July 2025.
- 1.5 The Case Management Discussion took place by tele conference on 12 January 2026 at which a direction was made to the Respondent to provide written representations setting out:-
- 1) Details of all repairing issues occurring during the tenancy and the dates on which each of these began and continued until.
 - 2) The date on which the Applicant was notified of the respective issues and the manner in which this was done.
 - 3) Any losses said to be incurred as a result of the repairing issues and the value placed on these.
 - 4) The portion of the sum sought by the Applicant that is in dispute.
- 1.6 The Applicant lodged the following documents in advance of the hearing:-
- a) Private Residential Tenancy Agreement;
 - b) Statement of Rent Arrears;
 - c) Notice to Leave;
 - d) Proof of Service of Notice to Leave;
 - e) Notice to Local Authority;
 - f) Proof of Service of Notice to Local Authority;
- 1.7 The Respondent lodged the following documents in advance of the hearing:-
- a) A Response statement setting out answers to the matters raised at the CMD with supporting documentation including bank statements;

2) The Hearing

- 2.1 The hearing took place by tele conference on 30 June 2026 at 10am. The Applicant was represented by Ms McKenzie, Solicitor. The Respondent personally took part.
- 2.2 At the outset of the hearing the Applicant's agent raised a preliminary matter. She stated that she had had sight of the Response statement lodged by the Respondent in answer to the direction made at the CMD. She said that she had had the opportunity to take instructions on, in particular, the offer of settlement made within the Response statement. She indicated that she had instructions to accept the proposal made by the Respondents which was to pay a lesser figure of £4,000.
- 2.3 The Applicant's solicitor indicated that she wished the opportunity of a brief discussion. The Respondent wished the opportunity of a brief discussion. The Tribunal therefore adjourned for a period and the applicant's agent and the Respondent had a without prejudice private discussion directly.
- 2.4 After the hearing resumed the Applicant's agent indicated that settlement terms had been reached whereby the sum of £4,000 would be paid in full and final settlement by the Respondent.
- 2.5 The Respondent indicated that they were in agreement with this figure which had been proposed by them and sought to make payment at a rate of £150 per month, the first payment to be made one month after the date of the hearing and monthly thereafter.
- 2.6 The Applicant's agent confirmed that she accepted the sum of £4,000 and the payment proposal.
- 2.7 The Applicant's agent was then invited to make a motion as to how she wished to deal with the hearing and her motion was for an order to be granted on the basis of £4,000 with instalments of £150 per month.

2.8 The Respondent stated that they would consent to such an order. Both the Applicant's agent and the Respondent indicated that they wished to see the matter at an end today rather than have the hearing adjourned.

3) The Decision and Reasons

3.1 The Tribunal made an order reflecting the agreement reached between the parties, of consent of the Respondent that the sum of £4,000 was to be paid by the Respondent to the Applicant at the rate of £150 per month payable commencing one month after the date of the hearing.

3.2 The Tribunal was satisfied from the submission made by the Applicant's agent and the submission made by the Respondent that they had agreed a settlement in line with the written proposal made by the Respondent in advance of the Tribunal in their Response statement.

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.

30/06/26

Legal Member/Chair

Hilary Macandrew

Date