

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 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/26/0838

Re: Property at Upper Flat, Lathockar House, Lathockar, Fife, KY16 8PF (“the Property”)

Parties:

George Laing (Fencing) LTD, 1 Railway Place, Cupar, Fife, KY15 5HZ (“the Applicant”)

Mr Bentley Shomai, Mrs Shilla Shomai, 93 Heyford Road, Leicester, LE3 1SS (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order against the Respondent(s) for payment of the undernoted sum to the Applicant) the sum of Three Thousand Nine Hundred and Twenty Five Pounds (£3,925)

Introduction

This application seeks to recover arrears of rent. Service of the proceedings and intimation of the Case Management Discussion (‘CMD’) was effected upon the respondents by Sheriff Officers on 22 July 2026.

The CMD took place by teleconference on 24 August 2026 at 10.00 am. The applicant was represented by Ms Beverley McCrostie of Martin & Co Letting Agents. The respondents failed to participate in the hearing.

Findings and Reasons

The parties entered into a private residential tenancy which commenced on 9 February 2024. The rent was £1,250 per month. Throughout the duration of the tenancy the respondents fell into arrears of the contractual rental payments. The tenancy ended on 9 January 2026.

The application is supported by a detailed account statement disclosing the sums of rent and other charges which fell due and the monies received. The tribunal found this documentary evidence credible and reliable and attached weight to it. The amount sought in the application was £5,175. This has been reduced after recovery of the deposit of £1,250. The sum outstanding is now £3,925. The applicant is entitled to recover arrears of rent under and in terms of the lease.

The respondents accept that the sums sought are due and outstanding. They have made an application for a time to pay direction. The offer is £20 per month. The applicant opposes this application. The tribunal finds that the offer is unreasonable as it would take over 16 years to repay the sums due. Previous offers to pay have not been adhered to. The application for a time to pay direction is therefore refused. An order for the full £3,925 is granted to be enforced as the applicant sees fit.

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.

Richard Mill

24 August 2026

Legal Member/Chair

Date