



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/24/4750

Re: Property at 205 Balunie Drive, Dundee, DD4 8RX (“the Property”)

Parties:

Studio Moo Ltd, The Workshop, Rosemill Road, Bridgefoot, Dundee, Angus, DD3 0PW (“the Applicant”)

Ms Claire Myles, Paul Tosh, 14E Fintryside, Dundee, DD4 9JG; 45 Fintryside, Dundee, DD4 9JZ (“the Respondents”)

Tribunal Members:

Mary-Claire Kelly (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for payment in the sum of NINE THOUSAND ONE HUNDRED AND SIXTY POUNDS AND TWENTY-FOUR PENCE (£9160.24) in respect of rent arrears.

Background

1. By application dated 14 October 2024 the applicant sought an order for payment in respect of rent arrears. The application was conjoined with an application seeking an order for eviction on the grounds of rent arrears.
2. The applicant lodged the following documents *inter alia* with the application:
 - Copy tenancy agreement
 - Rent statement

- Copy correspondence between parties
 - Rent increase notice
3. A case management discussion (“CMD”) took place via teleconference on 16 June 2025. The CMD was adjourned as the applicants had not submitted copies of all the relevant rent increase notices. The Tribunal also sought clarification as to the meaning of some of the entries on the rent statement that had been submitted. A Direction was issued to the applicant in relation the information submitted.
 4. Prior to the adjourned CMD the applicant’s representative submitted the following additional information:
 - 3 rent increase notices
 - Updated rent statement to 24 September 2025

Case management discussion – 12 March 2026- teleconference

5. The applicant was represented by Mr McKean, Rent Locally Tayside & Fife. Neither respondent was present nor represented. The Tribunal noted that both respondents had moved out of the property by September 2025. The applicant’s representatives had submitted Trace Reports from Sheriff Officers which provided updated addresses for both respondents. Prior to the previous CMD a set of case papers had been served on both respondents by Sheriff Officers. Notification of the present CMD had been sent to both respondents on 30 January 2026. The Tribunal was satisfied that both respondents had been properly notified of the cmd and proceeded in their absence in terms of rule 29.
6. Mr McKean sought an order for payment in the sum of £9160.24. He referred to the updated rent statement that had been submitted to the Tribunal on 4 November 2025. He stated that the tenancy had terminated on 24 September 2025. The figure sought represented rent arrears due at that date less the deposit of £775 which had been deducted from the amount owing.

7. The Tribunal raised that the papers referred to Mr Tosh having left the property on or around 27 November 2024 which pre-dated the majority of the arrears building up. Mr McKean stated that an order was sought against both respondents as Mr Tosh had not formally ended his interest in the tenancy by giving valid notice. The tenancy had continued in joint names.

Findings in fact

8. Parties entered into a tenancy agreement with a commencement date of 25 March 2020.
9. Monthly rent due in terms of the agreement was initially £675.
10. The applicants served 3 valid rent increase notices on the respondents which increased the rent to £800 per month from 28 July 2024.
11. The tenancy terminated on 24 September 2025 when the property was vacated.
12. Rent arrears due as at 24 September 2025 amounted to £9935.24.
13. A deposit of £775 was applied to the outstanding rent arrears leaving the total outstanding amount of £9160.24 at the date of the CMD.

Reasons for the decision

14. Rule 17 (4) states:

The First-tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision.

15. Rule 18 states:

Power to determine the proceedings without a hearing

18.—(1) Subject to paragraph (2), the First-tier Tribunal—

(a) may make a decision without a hearing if the First-tier Tribunal considers that—

(i) having regard to such facts as are not disputed by the parties, it is able to make sufficient findings to determine the case; and

(ii) to do so will not be contrary to the interests of the parties; and

(b) must make a decision without a hearing where the decision relates to—

(i) correcting; or

(ii) reviewing on a point of law,

a decision made by the First-tier Tribunal.

(2) Before making a decision under paragraph (1), the First-tier Tribunal must consider any written representations submitted by the parties.

16. The Tribunal was satisfied that it was able to make a determination and that it was not contrary to parties' interests to do so at the CMD without the need for a further hearing.

17. The Tribunal had regard to the application and the documents lodged by the applicant. The Tribunal had no reason to doubt the accuracy of the rent statement that had been submitted and accepted it as an accurate representation of the payments made by the respondent.

18. The Tribunal took into account that the respondents had not lodged any defence to the application or disputed the sum sought in any way.

19. The Tribunal was satisfied that the request to amend the sum sued for had been made in compliance with rule 14A and allowed the requested amendment. The Tribunal was satisfied that arrears in the amount of £9160.24 were lawfully due as at the date of the CMD.

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.

Mary-Claire Kelly
Legal Member/Chair

Date 12 March 2026