



**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/25/2476

**Re: Property at 46 Hazelgrove, Kilwinning, North Ayrshire, KA13 7JH (“the
Property”)**

Parties:

**Easton Property Merkland Limited, 2 Newfield Drive, Dundonald, South
Ayrshire, KA2 9EW (“the Applicants”)**

**Ms Katriona Lynch, sometime 46 Hazelgrove, Kilwinning, North Ayrshire, KA13
7JH (“the Respondent”)**

Tribunal Members:

George Clark (Legal Member) and Helen Barclay (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the application should be granted and made an Order
for Payment by the Respondent to the Applicants of the sum of £3,528.90**

Background

1. By application dated 10 June 2025, the Respondents sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicants. The sum sought was £3,528.90.
2. The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties commencing on 14 December 2017 at a rent of £450 per month and a Rent Statement showing arrears at 10 June 2025 of £3,528.90. The Rent Statement indicated that the rent had been increased from £450 to £510 per month from 14 May 2021 and to £600 per month from 14 October 2024.

3. At a Case Management Discussion held on 19 November 2025, the Respondent disputed liability for the rent that was sought. She said she had no knowledge of a Rent Increase Notice dated 10 July 2024. When she received the 2021 Rent Increase Notice she contacted the letting agents, concerned that it was unaffordable. They told her not to worry and that they would contact one of the Directors of the Applicants, as she had been a tenant for a long time. As a result, she had continued to pay the rent at the previous rate. She had concerns about the condition of the Property and withheld rent for 3 months from October to December 2023 and she disputed that she should be liable for the full rent.
4. In light of the Respondent's submissions, the Tribunal continued the case to a full evidential Hearing and issued Directions to the Parties. The Applicant was directed to provide a copy of the 2024 Rent Increase Notice with proof of delivery and copies of any file notes or other documentation concerning requests for repairs or withholding of rent. The Respondent was directed to provide written submissions stating whether an abatement of rent was being sought, the specific level of any abatement and a list of repairs and timelines showing when she reported repairs issues, She was also directed to provide photographs showing repairs issues and evidence, if available, showing communication with the letting agents regarding repairs.
5. On 4 March 2026, the Landlords' representatives provided the Tribunal with copies of a Rent Increase Notice dated 10 July 2024, a covering letter of the same date and an email to the Respondent, also dated 10 July 2024, to which were attached the Rent Increase Notice and the letter.
6. The Respondent did not provide any information or documentation in response to the Tribunal's Direction.

Hearing

7. A Hearing took place by means of a telephone conference call on the morning of 18 March 2026. The Applicants were represented by Ms Aynsley Barclay of Easton Housing Limited. The Respondent was also present. The Tribunal Chair advised the Respondent that, whilst they had the same surname, the Applicants' representative and the Ordinary Member are not related.
8. The Respondent told the Tribunal that she did not understand why the case was going ahead as she and her children had been evicted from the property in January 2026. She also said that she was paying towards the arrears at the rate of about £34 per month from her Universal Credit payments and offered to contact the Department of Work and Pensions for a statement showing this to be the case. She stated again her concerns about the condition of the Property.
9. The Landlords' representative told the Tribunal that the last payment received had been £501 plus an additional £40.01 on 2 January 2026. The arrears now

stand at £3,878.83 and she was seeking an Order for Payment of £3,528.90 in terms of the original application. She confirmed that the Eviction Order obtained against the Respondent had been in respect of arrears of rent.

10. The Tribunal told the Respondent that, even if it was shown that payments towards arrears had been made, the sum due was still more than the amount stated in the application, so the Tribunal would have no option but to make an Order for Payment.

Reasons for Decision

11. The Tribunal was satisfied that the Respondent had received the Rent Increase Notice of 10 July 2024. It had been posted to her and had also been attached to an email to her. The Tribunal noted that the tenancy has ended, but that arrears of rent remain unpaid and the sum due exceeds the amount sought in the application. The Tribunal was of the view that the Respondent had been given an opportunity and ample time to provide evidence in support of her contention that she had reported repairs issues to the Landlords and that an abatement of rent would be appropriate. She had also had ample time to take advice from Citizens Advice or other agencies if she was unsure of her position or of what the Tribunal's Direction required her to do. The Tribunal noted that it appeared that £40.01 had been paid between 14 June 2025 and 2 January 2026 in addition to the housing element (£510) of the Respondent's Universal Credit, but that did not in fact reduce the arrears, as the rent was £600 per month and only £550.01 was being received.
12. The Tribunal was satisfied that the sum sought in the application has become lawfully due by the Respondent to the Applicants and that, accordingly, an Order for Payment must be made.

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.

George Clark

Legal Member/Chair

18 March 2026
Date