



**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/25/3379**

**Re: Property at 57 Viewmount Crescent, Strathaven, ML10 6NT (“the Property”)**

**Parties:**

**Ms Agnes Chalmers, 9 Lizelna Court, Pheasant Street, Horizon View, Roodeport,  
South Africa; and**

**Ms Mary or Mairi Ottowell 2 Prescott, Hanworth Road, Bracknell, Berkshire,  
RG12 7RE (“the Applicants”)**

**Ms Kimberley Williamson, 10 Dovecastle Drive, Strathaven, ML10 6BH (“the  
Respondent”)**

**Tribunal Member:**

**Steven Quither (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that the Respondent is to pay to the Second Applicant  
only the sum of FIVE THOUSAND SIX HUNDRED AND NINETY TWO POUNDS 47  
PENCE (£5692-47) STERLING, the First Applicant’s application being formally  
REFUSED.**

**BACKGROUND**

1. This is an application dated and lodged on 7 August 2025 for payment of rent arrears arising out of a Short Assured Tenancy (“SAT”) between the Second Applicant and the Respondent in respect of the Property commencing 28 March 2016 at an initial rent of £525 per month subsequently increased, per information contained within the casefile, to £595 and then £750 per month.

2. The application was accepted by the Tribunal by Notice of Acceptance of 22 August 2025 and a Case Management Discussion (“CMD”) was duly fixed for 21 April 2026.
3. An associated eviction application was also lodged under Tribunal reference EV/25/3378 but subsequently withdrawn.
4. Prior to the CMD, preliminary consideration of the supporting documentation for this application confirmed that when this application was originally lodged, there were outstanding rent arrears to August 2025 of £2250, per rent statement lodged along with the application. Said sum was increased as hereafter referred to.
5. After both said applications were lodged, the Respondent vacated the Property and thereafter personal service of this application was made on her by sheriff officers on 31 March 2026 at 10 Dovecastle Drive, Strathaven, where she was then residing.

#### **CASE MANAGEMENT DISCUSSION on 21 APRIL 2026**

6. The CMD took place by teleconference and duly commenced soon after 2pm. The Applicants’ representative, John Gildea, Solicitor, of John Jackson & Dick, Solicitors, Hamilton, attended, as did the Respondent.
7. In his submission to the Tribunal and in response to questions then asked by the Tribunal, Mr Gildea advised and confirmed:--

By email of 8 December 2025, further details had been provided regarding an up to date rent arrears figure of £5250 to 28 November 2025. The Respondent had vacated the property on 19 December, leading to a further liability for rent to that date of £542-47, giving a total now due of £5792-47, to which sum he was seeking to amend, if possible, to add these further rent arrears which had accrued since the application was originally made, (which, after clarifying there was no objection from the Respondent, the Tribunal was content to allow under Rule 13 of the First-Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”));
8. By way of response, the Respondent advised and confirmed both to the Tribunal and in response to questions then asked by Mr Gildea:--

She had had a number of personal issues involving serious illness and death of her aunt and had not given payment of her rent the attention she should have;

Furthermore, she had lost confidence in the Landlord's agents, Property Store, East Kilbride and did not wish to have any direct dealings with them;

She had asked Property Store to keep the Applicant advised about her difficulties but they had apparently failed to do so;

They had also declined to provide her with the Landlord's details to enable her to pay rent direct to the Landlord, due to her lack of confidence in Property Store;

The Applicant's niece is a friend of hers, so she did not see what the difficulty was;

She had also had difficulty with the local authority and payment of her benefits; She accepted responsibility for arrears, but advised she had left the Property on 15 December ie 4 days earlier than the date stated by Mr Gildea; and

She was seeking to come to an arrangement to pay arrears direct to the Applicant, if this could be accommodated in some way.

9. In response, Mr Gildea confirmed he was content to reduce the figure by £100, leaving arrears due of £5692-47. He also advised that he would be content to liaise between the Applicant and Respondent to facilitate an arrangement for payment.
10. The Tribunal queried with Mr Gildea why the application was in the names of 2 applicants, when the SAT was only in the name of "Ms Mairi Ottowell" as Landlord. He was not able to assist but very helpfully agreed that any order etc should now simply be in Ms Ottowell's name alone, designing her as "Mary or Mairi", to reflect her use of both names as first names. The Tribunal was content to proceed as suggested and will formally refuse the application as made by the First Applicant due to her not being a party to the SAT.
11. The Tribunal is grateful to both Mr Gildea and the Respondent for their assistance, courtesy and candour.

### **FINDINGS IN FACT**

12. The Respondent is due and liable for arrears of rent up to 15 December 2025 of £5692-47 arising out of a SAT for the Property between the Second Applicant

and her, commencing 28 March 2016 at an initial rent of £525 per month, subsequently increased, per information contained within the casefile, to £595 and then £750 per month.

### **REASONS FOR DECISION**

13. The Tribunal was satisfied that arrears of £5692-47 had accrued per the rent statement to 28 November 2025 and further information provided at the CMD. Apart from a few days rent, which Mr Gildea was prepared to concede, the Respondent did not challenge or oppose the application. Accordingly, the Tribunal considers it just to make an order for payment of £5692-47 in favour of the Second Applicant only, there being no evidence that the First Applicant was a party to the SAT. The First Applicant's application accordingly falls to be formally refused

### **DECISION**

14. To grant the order for payment sought by the Second Applicant in the sum of £5692-47.

### **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.**

# S. Quither

**28 APRIL 2026**

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Legal Member/Chair

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Date