



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”)

Chamber Ref: FTS/HPC/CV/26/0631

Re: Property at 157 Main Street, Wishaw, ML2 7AU (“the Property”)

Parties:

Mrs Suzanne Pollock, 3 Netherdale Crescent, Wishaw, ML2 0DN (“the Applicant”)

Mr Barry Barrett, 157 Main Street, Wishaw, ML2 7AU and Ms Lynnette Muldoon, 157 Main Street, Wishaw, ML2 7AU (“the Respondent”)

Tribunal Members:

Elaine Paton (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the Respondent of the sum of THREE THOUSAND AND TWO HUNDRED POUNDS (£3,200) be granted in favour of the Applicant.

Background

1. An application was received from the Applicant on 07 February 2026 seeking a payment order in terms of rule 111 (Application for civil proceedings in relation to a private residential tenancy) of Schedule 1 to the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 rules”). A tenancy agreement, rent statement, and extract bank credit entries were lodged with the application.
2. A copy of the application was served on the Respondent by Sheriff Officer on 13 April 2026, together with the related eviction application (EV/25/4073) under rule 109 of the 2017 rules, which included evidence of compliance with the rent arrears pre-action protocol. The parties were notified that a case management

discussion (“CMD”) would take place by telephone conference call on 15 May 2026 at 10am and that they were required to participate.

3. Prior to the CMD, on 21 April 2026, the Applicant submitted evidence of their email exchanges with the Respondent Ms Muldoon (during the period 28 February 2026 to 21 April 2026) whereby the Applicant noted that a payment promised by the Respondent still had not been paid, the last payment received had been 23 December 2025, reminding Ms Muldoon the Respondent’s ongoing rent was due and the balance of £3,200 in respect of arrears was outstanding at 21 April 2026 and no explanation had been provided regarding the non-payment of rent. The Applicant submitted further evidence on 05 May 2026 of an email exchange between the parties whereby the Respondent emailed the Applicant on 26 April 2026 stating a payment would be finalised imminently, and the Applicant replied on 30 April 2026 stating no payment had been received, requesting an update and reminding the Respondent that the next rent payment was due on 10 May 2026. Both submissions were sent to the Respondent by the Housing and Property Chamber (“HPC”) administration on 25 April 2026 and 07 May 2026 respectively.
4. The CMD took place on 15 May 2026. The Applicant was present. The Respondent did not participate. No written representations or time to pay application was received from the Respondent prior to the CMD. The application for an eviction order under Chamber reference EV/25/4073 was also discussed.

Summary of Discussion at CMD

5. The Applicant told the Tribunal that the Respondent is still believed to be living at the property.
6. The Tribunal noted the Private Residential Tenancy agreement lodged with the application states the tenancy started on 10 November 2023, with a rent of £525 per calendar month due in advance on the 10th day of each calendar month. A spreadsheet rent statement produced with the eviction application demonstrated there were three consecutive months arrears of rent when a Notice to Leave was served upon the Respondent on 16 August 2025. The Applicant stated they had made countless efforts to engage the Respondent including via WhatsApp messages and emails including the pre-action protocol correspondence sent to the Respondent providing the requisite information a landlord must send to their tenant including copy tenancy detail, level of arrears of rent, and details of agencies such as Shelter, Citizens Advice Bureau, Universal Credit, Benefits and local authority Housing services for the tenants to seek advice and assistance from. The Applicant told the Tribunal the last payment the Respondent had made to their rent account was 23 December 2025, and the arrears of unpaid rent were £3,200 at 21 April 2026, both points evidenced in the submissions lodged on 21 April 2026 notwithstanding the current balance on the rent account was £3,725 including the sum of rent due in May 2026. The Applicant confirmed they wished the Tribunal to grant an order for payment in the increased principal sum of arrears due by the Respondent.

7. The Applicant told the Tribunal they have not been receiving income from the Property and are required to pay insurance and other bills for it and they have been supporting that expenditure in absence of rent from the Respondent. The Applicant owns a portfolio of nine rental properties including the Property and one holiday let which portfolio provides them with income that they rely upon to meet their own expenditures. The Applicant cannot continue to sustain the present position regarding the Property.
8. In relation to the Respondent's circumstances, and in response to the Tribunal, the Applicant stated the Respondent, Mr Barrett is approximately 50 years old, Ms Muldoon is in her forties. Both are believed to be in employment with Ms Muldoon stated to have had a change in job and known to drive a company car. Further, in response to the Tribunal, the Applicant stated they were unaware of the Respondent claiming any benefits and reiterated that they had been provided with details to contact Universal Credit and the local authority regarding housing benefit as well as other agencies regarding advice. The Applicant stated there were no children residing in the Property and they were unaware of either tenant having any health issues.

Findings in Fact

9. The Applicant is the owner and landlord of the property.
10. The Respondent is the tenant of the property in terms of a private residential tenancy agreement which commenced on 10 November 2023.
11. The initial calendar monthly rental was £525. There have been no rent increases therefore the Respondent is due to pay ongoing rent of £525 per calendar month.
12. The Respondent has been in arrears of rent since 28 March 2025, with any payments made to the account generally received late or sporadically after months of non-payment. The last payment received by the Applicant to the Respondent's rent account was 23 December 2025.
13. The Respondent currently owes £3,725 in unpaid rent, including arrears of £3,200 incorporating unpaid rent that became due on 10 April 2026.
14. The Applicant made efforts to engage the Respondent and issued correspondence to the Respondent in compliance with the rent arrears pre-action protocol.
15. The Respondent has failed to engage meaningfully with the Applicant or offer any explanation for the arrears and failure to meet their ongoing rent payment obligation.

16. The Respondent resided in the property when the tenancy commenced and is believed still to be residing in the property to date.

Reasons for decision

1. The Tribunal accepted the unchallenged evidence of the Applicant regarding the sum of arrears of rent remaining due and unpaid by the Respondent.
2. The Tribunal also exercised the power within rule 17 of the 2017 rules and determined that a decision should be made at the CMD without a hearing.
3. The Tribunal was satisfied from the evidence before it that the Respondent owed the Applicant £3,200 in unpaid rent including £525 rent which became due on 10 April 2026 and the Respondent had been made aware of that updated figure in the Applicant's email communication to them on 21 April 2026, copied to the Respondent by the HPC administration on 25 April 2026. It therefore grants an order for payment by the Respondent to the Applicant for that amount.

Decision

The Tribunal grants an order for payment by the Respondent to the Applicant of the sum of £3,200.

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.

E.Paton

15 May 2026