



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 (“the 2016 Act”)

Chamber Ref: FTS/HPC/CV/25/4332

Re: Property at 30/1 Market Street, Haddington, EH41 3JE (“the Property”)

Parties:

Ms Laura Whiteford, Mayfield, Sharplaw Road, Jedburgh, TD8 6SG (“the Applicant”)

Mr Peter Little, 30/1 Market Street, Haddington, EH41 3JE (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member) and Janine Green (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent is liable to pay the Applicant the sum of Fourteen thousand, eight hundred and eighty pounds and fifty four pence (£14,880.54) Sterling under the terms of the tenancy agreement between the parties.

The Tribunal therefore made an order for payment in the sum of £14,880.54 against the Respondent.

Background

- 1 This is an application for a payment order under rule 111 of the First-tier Tribunal for Scotland (Rules of Procedure) 2017 (“the Rules”) and section 71 of the 2016 Act. The Applicant sought a payment order against the Respondent in respect of unpaid rent arising from a private residential tenancy. The application was conjoined with an application for an eviction order under Rule 109 of the Rules, under reference FTS/HPC/EV/25/4330.
- 2 The application was accepted as valid and referred to a tribunal for determination. A case management discussion (“CMD”) was scheduled to take place on 27 April 2026 at 2pm. The Tribunal gave notice of the CMD to the

parties in accordance with Rule 17(2) of the Rules. Said notice was served upon the Respondent by sheriff officers on 9 March 2026 and required him to provide written representations in response to the application no later than 28 March 2026.

- 3 No written representations were received from the Respondent in advance of the CMD.
- 4 On 10 April 2026 the Tribunal received a request for amendment of the application under Rule 14A of the Rules from the Applicant's representative, Brodies LLP. The request sought to increase the sum claimed to £14,880.54 and was accompanied by an updated rent statement and proof of intimation of the Rule 14A request to the Respondent by sheriff officers on 9 April 2026.

The CMD

- 5 The CMD took place on 27 April 2026 at 2pm by teleconference. Mr Calum MacPherson, Solicitor, of Brodies LLP represented the Applicant. The Respondent did not join the call. The tribunal noted that he had been given proper notice of the CMD under Rule 17(2) of the Rules and had provided no explanation for his failure to attend. The tribunal therefore delayed the start time of the CMD for a short period before determining to proceed in the Respondent's absence.
- 6 The tribunal had the following documents before it:-
 - (i) Form F application form;
 - (ii) Private residential tenancy agreement;
 - (iii) Rent statement;
 - (iv) Copy letter from the Applicant to the Respondent with information required under the rent arrears pre-action protocol dated 23 September 2025; and
 - (v) The Applicant's Rule 14A request to increase the sum claimed together with supporting documents.
- 7 The tribunal explained the purpose of the CMD and proceeded to hear submissions from Mr Macpherson. The following is a summary of the key elements of the submissions.
- 8 Mr Macpherson confirmed that the Applicant sought an order for payment in the increased sum of £14,880.54. He confirmed that despite attempts by the Applicant the Respondent had failed to address the rent arrears. The last payment made by the Respondent to the rent account was back in August 2024.
- 9 The tribunal adjourned the CMD to deliberate, at which point Mr Macpherson left the call, before resuming the proceedings and confirming the outcome.

Findings in fact and law

- 10 The Applicant is the owner and landlord, and the Respondent is the tenant, of the property in terms of a private residential tenancy agreement.
- 11 The rent due in terms of the tenancy agreement is £695 per calendar month.
- 12 The Respondent has failed to pay rent as agreed.
- 13 The Respondent has accrued rent arrears in the sum of £14,880.54.
- 14 The Applicant has made attempts to recover the rent arrears from the Respondent. Despite repeated requests the Respondent has refused or delayed making payment of the sum due.
- 15 The Respondent is liable to pay the sum of £14,880.54 to the Applicant under the terms of the tenancy agreement between the parties.

Reasons for decision

- 16 The tribunal was satisfied that it could make relevant findings in fact to reach a decision at the CMD based on the documentary evidence and submissions from Mr Macpherson. The tribunal considered that to do so would not be contrary to the interests of the parties in this case. The Respondent had not sought to oppose the application and there was no contradictory evidence before the tribunal.
- 17 The tribunal determined based on the evidence before it that the Respondent has an obligation to pay rent of £695 per month to the Applicant and has failed to do so, resulting in arrears of £14,880.54. The tribunal accepted that despite repeated attempts by the Applicant the Respondent has failed to take reasonable steps to address the arrears. Accordingly, the tribunal determined that he is liable to pay the Applicant the sum of £14,880.54.
- 18 The tribunal therefore made a payment order in the sum of £14,880.54 against the Respondent.
- 19 The decision of the tribunal was unanimous.

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.

R O'Hare

27 April 2026

Legal Member/Chair

Date