

Housing and Property Chamber
First-tier Tribunal for Scotland



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

Chamber Ref: FTS/HPC/CV/25/3244

Re: Property at 29 Clyde Street, Grangemouth, FK3 8EU ("the Property")

Parties:

Adam Donaldson, 18 Irene Terrace, Falkirk, FK1 2HX ("the Applicant")

Steven James Bain, 29 Gowanlea Drive, Slamannan, Falkirk, FK1 3HS ("the Respondent")

Tribunal Members:

Gillian Buchanan (Legal Member)

Decision (in absence of the Respondent)

A Case Management Discussion ("CMD") took place by telephone conference on 25 June 2026. At the CMD the Applicant was not present but was represented by Ms Alexandra Wooley of Bannatyne Kirkwood France & Co. The Respondent was not present or represented.

Procedural History

A CMD had previously taken place on 13 February 2026 but was adjourned to allow service of the application on the Respondent at his new address.

Notice of the CMD on 25 June 2026 was issued to the Respondent by letter dated 29 May 2025 sent by "Signed For" post. The Respondent signed for the correspondence on Sunday 30 May 2026 at 12:01.

The tribunal was therefore satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules") had been satisfied relative to the Respondent having received notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29.

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that -

Background

The Tribunal noted the following background:-

- i. The Applicant leased the Property to the Respondent in terms of a Private Residential Tenancy Agreement ("the PRT") that commenced on 28 February 2020.
- ii. The rent payable in terms of the PRT was initially £410 per calendar month.
- iii. The rent increased on 8 December 2022 and on 8 July 2024 to £435 and £465 respectively.
- iv. The deposit paid in terms of the PRT was £460.
- v. The rent arrears due as at the date of the application were £3,690.
- vi. The PRT ended on 13 December 2025 when the Respondent vacated the Property.

The CMD

At the CMD Ms Wooley made the following oral submissions –

- i. By email dated 21 January 2026, Ms Wooley for the Applicant sought to amend the application to increase the sum claimed to £5,641.73, being the rent arrears due to the date the Respondent vacated the Property. The Respondent was copied into the email by way of intimation.
- ii. The Respondent has made no payments to reduce the arrears due.
- iii. The deposit was claimed by the Applicant from the tenancy deposit scheme and was recovered and offset in full against the cost of dilapidation repairs required to the Property once vacant possession was recovered.
- iv. The PRT provides for interest on late payments of rent at 8% per annum (Clause 8).
- v. The Applicant seeks a payment order in the sum of £5,641.73 with interest thereon at 8% per annum from the date of the Tribunal's decision.

Findings in Fact

The Tribunal made the following findings in fact –

- i. The Applicant leased the Property to the Respondent in terms of the PRT that commenced on 28 February 2020.
- ii. The rent payable in terms of the PRT was initially £410 per calendar month.
- iii. The rent increased on 8 December 2022 and on 8 July 2024 to £435 and £465 respectively.
- iv. The deposit paid in terms of the PRT was £460.
- v. The rent arrears due as at the date of the application were £3,690.
- vi. The PRT ended on 13 December 2025 when the Respondent vacated the Property.
- vii. The deposit was claimed by the Applicant from the tenancy deposit scheme and was recovered and offset in full against the cost of dilapidation repairs required to the Property once vacant possession was recovered.
- viii. The rent arrears due as at 13 December 2025 are £5,641.73.
- ix. The Respondent has made no payments to reduce the arrears due.
- x. The PRT provides for interest on late payments of rent at 8% per annum (Clause 8).

Reasons for Decision

The Respondent was neither present nor represented at the CMD and had lodged no written submissions. The Tribunal therefore accepted the factual narrative in the written and oral submissions of the Applicant.

The application was made whilst the Respondent was in occupation of the Property. The Respondent thereafter vacated the Property leaving increase rent arrears. The Applicant is entitled to amend the application to increase the sum claimed to £5,641.73 all in terms of Rule 14A of the Rules.

There being no opposition offered, the Applicant is entitled to an order for payment in the amended sum of £5,641.73 with interest thereon at the contractually agreed rate per the PRT.

Decision

The Tribunal allows the application to be amended to increase the sum claimed to £5,641.73 in terms of Rule 14A of the Rules, and thereafter makes an order against the Respondent in favour of the Applicant for payment of the sum of £5,641.73 with interest thereon at 8% per annum from today's date until payment.

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.

Legal Member/Chair

Gillian Buchanan

25 June 2026
Date