



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 Act”)

Chamber Ref: FTS/HPC/CV/25/3319

Re: Property at 77A Duke Street, Denny, FK6 6NS (“the Property”)

Parties:

AIM Housing Scotland Limited, 38 Camelon Road, Falkirk, FK1 5SH (“the Applicant”)

Ms Iman Taqwa Umm Sulaim, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Fiona Stephen (Legal Member) and Eileen Shand (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for payment in the sum of NINE THOUSAND EIGHT HUNDRED AND SEVENTY FIVE POUNDS (£9 875.00) Sterling together with interest at the rate of five per cent per annum above the Royal Bank of Scotland base rate applying from time to time and running from the date of the decision of the First-tier Tribunal to grant this order, being 30 June 2026, until payment.

Background

1. By application dated 1 August 2025, the Applicant sought an order for payment under section 71 of the Act and rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the procedure rules”). On 19 August 2025 the application was accepted by the Tribunal and referred to it for determination. This application has been conjoined with application FTS/HPC/EV/25/3318 which seeks an order for eviction.

2. A Case Management Discussion (CMD) was set to take place on 5 February 2026 at 10am by teleconference call.
3. Sheriff Officers attempted to serve the papers in this case together with intimation of the CMD on 17 December 2025. Sheriff Officers advised the Tribunal that they could not get access to the Property as the block of flats within which the Property is situated were empty and undergoing renovation. The Applicant was informed. By email dated 13 January 2026 the Applicant advised the Tribunal that the Respondent was still living in the Property. The Applicant explained that Falkirk Council owned the other flats in the block and those were unoccupied due to being dangerous. The Applicant provided information received from Falkirk Council which confirmed this and which stated that the Respondent had refused to engage with Falkirk Council regarding allowing access to the Property for an inspection. The Applicant asked that service be re-attempted and the CMD arranged for 5 February proceed.
4. On 22 January 2026 the Applicant lodged submissions with the Tribunal together with an updated rent statement. The Applicant sought to increase the sum sued for in application to £8 750.00. It requested that the application FTS/HPC/EV/25/3318 be amended so as to add another ground on which eviction was sought. The circumstances relating to that request are fully set out in that decision of the same date as this.
5. On 23 January 2026 the Applicant was informed by the Tribunal that given appropriate notification of the CMD to the Respondent could not be arranged in sufficient time prior to the CMD arranged for 5 February 2026, it had to be postponed.
6. On 26 May 2026 the Applicant submitted an application to the Tribunal requesting that service be made on the Respondent by way of advertisement. The circumstances relating to that request are fully set out in the decision FTS/HPC/EV/25/3318 of the same date as this.
7. The Tribunal granted the application for service by way of advertisement on 27 May 2026.
8. Service of the application by way of Advertisement was made on the Tribunal's website on 2 June 2026.
9. On 17 June 2026 the Tribunal received an email from the Applicant with further submissions. The Applicant sought to increase the sum claimed for rent arrears to £10 625.00 in accordance with an updated rent statement which was produced.
10. The Tribunal had before it:
 - i. The Application Form F;

- ii. A tenancy agreement between the Sonny Kareer and Respondent relating to the property dated 7 January 2022;
- iii. Confirmation from the Scottish Landlord Register that the Property is registered in the name of the Applicant;
- iv. Confirmation from Registers of Scotland that the Applicant purchased the Property on 30 September 2022; and
- v. Case Papers.

Case Management Discussion

- 11. A CMD took place on 30 June 2026 at 10am by teleconference call. Mr Ackerley, Solicitor, Lindsays LLP appeared for the Applicant along with Ms Foster of the Applicant. There was no appearance by the Respondent although the Tribunal delayed the start of the CMD by a few minutes in case she appeared.
- 12. Mr Ackerley confirmed that the Applicant sought an order for payment of £10 625.00 for rent arrears in accordance with the rent statement produced plus interest at 5% over base in terms of Clause 8 of the tenancy agreement.
- 13. The Tribunal noted that the tenancy agreement was in the name of Sonny Kareer and the Respondent dated 7 January 2022. Mr Ackerley explained that the Applicant purchased the Property in September 2022. The agreed monthly rental for the Property was £375.00 which commenced on 7 January 2022.
- 14. The Tribunal noted that the arrears were substantial, standing at £10 625.00 as at 7 June 2026. No rent had been paid since 24 May 2024. Mr Ackerley confirmed the Applicant was looking for an order for payment of the rent arrears although would be prepared to reduce the figure by the number of months the Applicant has not been in the Property since her removal on 18 May 2026 i.e. 2 months. This reduced the sum claimed to £9 875.00.
- 15. The Tribunal noted that the Applicant had served a pre-action protocol letter on the Respondent on 29 June 2023 but the Respondent did not respond. The Applicant contacted the Respondent on a number of occasions, in addition to sending the pre-action protocol letter but the Respondent did not engage with the Applicant.

Findings in Fact

- 16. The Property was let to the Respondent under a Private Residential Tenancy Agreement between Sonny Kareer and the Respondent dated 7 January 2022.
- 17. The Applicant acquired ownership of the property on 30 September 2022 and, accordingly, acquired the Landlord's interest in the tenancy of the Property.

18. The agreed monthly rental for the Property was £375.00 which commenced on 7 January 2022.
19. Rent arrears at the date the application was submitted were £6 500.00.
20. Rent arrears at the date of the CMD were £10 625.00.
21. The Applicant has agreed to reduce the amount of arrears sought to £9 875.00 to reflect a reduction in rent of 2 months as the Respondent was removed from the Property by the local authority on 18 May 2026.
22. Interest is due on the rent arrears in terms of Clause 8 of the tenancy agreement.

Reasons for Decision

23. The Tribunal took into account that the Respondent had not lodged any defence to the application or disputed the sum sought in any way.
24. The Tribunal was satisfied that the sum sought ought to be increased to £9 875.00 in accordance with the updated rent statement and reduction suggested by the Applicant.
25. The Tribunal was satisfied that arrears in the sum of £9 875.00 were lawfully due as at the date of the CMD.
26. The Tribunal was satisfied that interest is due on rent arrears in terms of Clause 8 of the tenancy agreement. In terms of Rule 41A of the procedure rules, where interest is to be applied it is to be at the rate as stated in the tenancy agreement or ordered by the Tribunal and running from the date of the decision of the Tribunal. The Tribunal determined that interest should be applied at the rate set out in the tenancy agreement to run from the date of the decision of the Tribunal.

Decision

The Tribunal determined to grant an order for payment in the sum of £9 875.00 together with interest at the rate of five per cent per annum above the Royal Bank of Scotland base rate applying from time to time and running from the date of the decision of the First-tier Tribunal to grant this order, being 30 June 2026, 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.

Fiona Stephen

Fiona Stephen
Legal Member/Chair

30 June 2026
Date