



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/25/3895

Re: Property at 18 Albert Den, Aberdeen, AB25 1SY (“the Property”)

Parties:

Aberdeen Leasing Investments Ltd, 162 Anderson Drive, Aberdeen, AB15 6FR (“the Applicant”)

Miss Ailsa Fyfe, Mr Michael McLeod, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member) and Mary Lyden (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be made.

Background

1. On 8th September 2025 the Applicant lodged an Application with the Tribunal under Rule 111 of the First Tier Tribunal for Scotland (Housing and Property Chamber Rules of Procedure) 2017 (“The Rules”), seeking an order for payment of rent arrears.
2. Lodged with the application were: -
 - i. Copy Private Residential Tenancy Agreement showing a commencement date of 14th October 2022 and a rent of £795 per month;
 - ii. Copy Rent Statement;
3. The Application was unable to be served on the Respondents by Sheriff Officers.

Case Management Discussion

4. The Case Management Discussion ("CMD") took place by teleconference on 14th April 2026. It had been listed to call along with the accompanying eviction action, reference FTS/HPC/EV/3853, and an application raised by the Respondents against Applicants, reference FTS/HPC/CV/24/3691, and an application by the Applicants against the guarantors of the Respondents, reference FTS/HPC/CV/24/4359.
5. The Applicants joined the call and were represented by Miss Reid and Miss Ogston of Caroline Walker Property Limited. Also in attendance were Ms McLeod and Mr Fyfe, Respondents in case FTS/HPC/CV/24/4359. There was no attendance by the Respondents or any representative on their behalf. They had indicated to the Tribunal by email that they were in Zambia and could not join the call due to international connection issues.
6. The Chairperson explained the purposes of a CMD in terms of Rule 17 of the Rules. The Chairperson considered the overriding objective of the Tribunal, as laid out in Rule 2 of the Tribunal's procedural rules, which can be accessed via the Tribunal's website. The Chairperson decided that to avoid delay, so far as compatible with the proper consideration of the issues, and to deal with the proceedings in a manner which is proportionate to the complexity of the issues and the resources of the parties, that all four cases should be dealt with at a Hearing.
7. The Chairperson was mindful of the difficulties with service, as it is not clear if the Respondents are actually residing in the property, although they have not handed back the keys. The Chairperson noted that Rule 6(1)(b) allows service of any formal communication by email if it is sent to the email address provided by the person. The Respondents had contacted the Tribunal that morning via email and accordingly the Chairperson therefor ordered the Tribunal's administration to serve the papers via those email addresses.

Subsequent to CMD

8. The papers were served on the Respondents by email on 5th May 2026.
9. A Hearing was fixed for 21st July 2026. The Hearing date was notified to all parties by email on 19th June 2026.
10. On 14th July 2026 the Second Named Respondent ("MM") sent an email to the Tribunal seeking a postponement of the Hearing. The reasons given will not be narrated here in full, but he did state that AF is in Zambia and not able to return to the UK at this time, and that refusal of the postponement would impact on the fairness of the Hearing as he was unable to properly coordinate with AF, gather the necessary evidence or address the Tribunal's requests fairly.

11. The Tribunal refused the request to postpone for the reasons given in the email sent to MM on 16th July 2026.
12. On 16th July 2026 MM sent a further email to the Tribunal, again seeking a postponement. The Tribunal refused this on the same grounds.
13. On 20th July 2026 MM sent an email to the Tribunal as follows:

“Dear Alice Brown,

I am writing to confirm that Ailsa Fyfe and I will not be attending tomorrow’s hearing at 10:00. As previously advised, our postponement requests were refused, and we are not in a position to join, given our reasons and circumstances.

We ask that the Tribunal treat this email as our written submission and determine the conjoined cases on the basis of the papers already lodged, along with the following points.

Repairing Standard: The Tribunal already found, in FTS/HPC/RP/24/3702 (Decision, 23 January 2025), that the Landlord breached Section 14(1)(b) of the Housing (Scotland) Act 2006 — the property was not wind and watertight, and the fridge was not in proper working order — and issued a Repairing Standard Enforcement Order as a result. This is an existing finding, not something we need to re-prove. Rent withheld: Rent was withheld in direct response to that breach, on the basis of retention pending repairs. We note the Tribunal’s guidance at the 14 April 2026 Case Management Discussion that this is properly treated as an equitable contractual remedy, and we proceed on that basis.

Outstanding heads of claim: We were unable to complete full vouching for food/laundry costs and medical/emotional distress claims within the timescale set by the Direction of 14 April 2026, as we were outwith the UK during that period. We ask the Tribunal to determine them on what is already lodged.

Arrears and eviction: We ask the Tribunal to weigh the confirmed Repairing Standard breach against the arrears claimed, and to have regard to our actual period of occupation of the property.

We would be grateful if the Tribunal could proceed on this basis.

*Yours sincerely,
Michael McLeod”*

Hearing

14. The Hearing took place by teleconference on 21st July 2026. It had been listed to call along with the payment action raised by the Respondents against the Applicants, reference FTS/HPC/CV/3691, an accompanying application for

eviction, reference FTS/HPC/EV/25/3853, and an application by the Applicants against the guarantors of the Respondents, reference FTS/HPC/CV/24/4359.

15. The Applicants joined the call and were represented by Ms Walker of Caroline Walker Property Limited. Also in attendance was Ms Dorcus McLeod Respondent in case FTS/HPC/CV/24/4359. There was no attendance by the Respondents or any representative on their behalf.
16. The Chairperson explained which cases were to be dealt with and also explained that the Applicants had sought a postponement, which had been refused, and that they had sent an email saying that they would not be attending the Hearing and asking the Tribunal to deal with the case on the basis of what had already been lodged.
17. The Tribunal dealt with and dismissed case CV/24/3691, for reasons set out in the Decision relating to that case.
18. Ms Walker sought an order for payment of the current rent arrears were £21,465. No rent has been paid since 14th April 2024. It is believed that the Respondents have not lived in the property since December 2024.

Findings in Fact

- a. The parties entered into a Private Residential Tenancy Agreement in respect of the property commencing 14th October 2022 and a rent of £795 per month;
- b. At today's date the arrears are £21,465.

Reasons for Decision

19. The Respondents owe rent to the Applicants in the amount of £21,465.

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.

Alison Kelly

Legal Member/Chair

Date: 21st July 2026