



**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/25/5527

Re: Property at Flat 11, 510 Shieldhall Road, Glasgow, G51 4HE (“the Property”)

Parties:

Miss Alison McKay, 5, 1/4 Hamilton Gardens, Glasgow, G12 8BD (“the Applicant”)

Mr Jonathan Marnoch, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Yvonne McKenna (Legal 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 is made against the Respondent for payment to the Applicant the sum of £1,100 (ONE THOUSAND ONE HUNDRED POUNDS ONLY).

Background

1. This is an application in terms of Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). The Applicant is seeking an order for payment of the sum of £1,100 of rent arrears in terms of s71 of the Private Housing (Tenancies) (Scotland) Act 2016.

2. The Tribunal had before it the following documents:

a) Application dated 23 December 2025.

b) Tenancy agreement with a commencement date of 28 January 2025.

c) Rent statement

d) communications with sheriff officers

3. A CMD was set for 4 June 2026 at 2pm.

4. Service was effected on the Respondent by Service by Advertisement.

5. On 29 April 2026, 18 May 2026 and 26 May 2026 the Respondent forwarded to the Tribunal written representations setting out that he was homeless and jobless, and in receipt of minimum benefits of £380 per month. He said that he had suffered from a mental breakdown. He included a letter from Glasgow City Council dated 3 February 2026, stating that the Respondent was homeless but had not made himself intentionally homeless. He accepted that the sum was due but was unable to pay.

6. On 11 May 2026 and 28 May 2026, the Applicant's representative forwarded written submissions including a medical report to the Tribunal, stating that the Applicant had suffered from stress as a consequence of the Respondent's nonpayment of rent.

7. On the morning of 4 June 2026, the Respondent was forwarded Time to Pay paperwork from the Tribunal, which had not been included with the original case papers sent to the Respondent when he made contact with the Tribunal.

8. On 4 June 2026, the Respondent e-mailed the Tribunal stating that he wanted to fill out the application for Time to Pay but did not have sufficient time to do so in advance of the Case Management Discussion taking place. He sought further time to do so. He sent a further 2 e-mails to the Tribunal stating that he felt that it was discriminatory to proceed with the hearing without giving him a proper opportunity to complete the Time to Pay application. He said that he did not have sufficient credit on his phone to be able to attend the hearing.

The Case Management Hearing (CMD) 4 June 2026

9. A CMD took place by teleconference on 4 June 2026 at 2pm. The Applicant was represented by Mr MacKenzie of Yates Hellier Ltd. The Respondent was not present.

10. The Tribunal explained the purpose of the CMD and the procedure that would be adopted. The Tribunal explained that the Respondent had only been sent out the Time to Pay application earlier that day and had requested further time to complete this.

The Applicants' Position

11. Mr MacKenzie said the Applicant was proceeding with the case as a matter of principle. She is aware of the Respondent's current circumstances. At the time the tenancy commenced the Applicant had carried out appropriate checks on the Respondent's financial position. At that point, he was working with Jaguar Land Rover and had an excellent job, earning in excess of £90,000 per annum. He worked in the area of fibre security.

12. The Respondent had fallen into arrears of rent and had initially said that his personal records had been 'hacked'. Then he said that his employers had paid his income into the wrong account. His position spiralled, and it was only just before he was evicted, that he said that he was no longer employed. He had shown the Applicant's representatives letters suggesting that he was due a large bonus and pay rise. All of the pre-action protocols had been complied with.

13. Mr MacKenzie refuted any suggestion that his organisation had acted in any way improperly during the eviction process.

14. The case was adjourned proceeding to a new CMD on 15 September 2026.

The Case Management Hearing 15 September 2026

15. A CMD took place at 2pm on 15 September 2026. The Applicant was represented by Mr MacKenzie. The Respondent was not present. In the intervening period between the two CMDs taking place the Tribunal had received no further representations from either party. No Time to Pay Application was received.

16. Mr Mackenzie sought the order for payment to be granted.

Findings in Fact

17. The Applicant is the heritable proprietor of the Property.
18. The Applicant is the landlord and the Respondent the tenant in terms of the Private Residential Tenancy entered into with a commencement date of 28 January 2025.
19. The rent in terms of the lease is £850 payable on the first of every month.
20. The deposit payable in terms of the tenancy agreement was £1,000.
21. The tenancy ended on 12 September 2025.
22. The Respondent failed to make payment of rent in terms of the lease. No payments were made to cover the period 2 April 2025 to 27 June 2025.
23. The Applicant recovered the deposit of £1,000.
24. The arrears of rent due and unpaid, after the deposit was recovered by the Applicant amount to £1,100.

Reasons for the Decision

25. The Tribunal accepted the evidence provided by the Applicant.
26. The Respondent accepted at an earlier stage in proceedings that the sum was due and only disputed his ability to pay. Thereafter, following the first CMD, the Respondent failed to engage in the Tribunal process.

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

Date