



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 71(1) of the Private Housing
(Tenancies) (Scotland) Act 201**

Chamber Ref: FTS/HPC/CV/26/0469

Re: Property at 73 Kirkland Gardens, Ballingry, Fife, KY5 8JT (“the Property”)

Parties:

Mr David Kelly, 73 Kirkland Gardens, Ballingry, Fife, KY5 8JT (“the Applicant”)

April McEwan, Address Unknown and Dylan Kerwin, Address unknown (“the Respondents”)

Tribunal Members:

Hilary Macandrew (Legal Member)

Decision in absence of the Respondents

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order be made against the Respondents for payment to the Applicant in the sum of Three Thousand Seven Hundred

issued an order for payment in the sum of Three Thousand and Eight Pounds and Nineteen Pence (£3008.19)

1) Background

- 1.1 The Applicant is seeking a Civil Order in the sum of £3,008.19) made up of rent arrears of £2854.19, costs incurred to the Applicant at the end of the tenancy due to the condition of the property amounting to £849 less the deposit received by the Applicant at the end of the tenancy namely £695.
- 1.2 The tenancy commenced on 28th June 2024 and ended on around 28th May 2025. The rent was £695 per month throughout the tenancy.
- 1.3 The Applicant had lodged Form F and other documents comprising;
 - Private Rental Tenancy Agreement,

- Rent statement
- Updated Rent statement
- Correspondence with the Respondent regarding the arrears of rent
- Receipted invoices from various firms in relation to the property

1.4 The Application and intimation of the Case Management Discussion was intimated to the Respondents by Advertisement on the Tribunal website

2) The Case Management Discussion (CMD)

2.1 A Case Management Discussion took place on 14th October 2026. The Applicants were personally present and represented by Helen Couser (Ms Couser) of Fife Lettings who spoke on their behalf. Neither Respondents was present nor took part. The start of the CMD was delayed by 5 minutes to enable the Respondents to take part and they did not. The Respondents had not engaged with the Tribunal throughout the process in advance of the CMD.

2.2 Ms Couser sought a Payment Order in the sum of £3,008.19. She took the Tribunal through the rent statement up until termination showing rent arrears of £2854.19. She took the Tribunal through vouching in respect of; Cleaning in the sum of £275, Removal of Effects £180, Gardening £280 and Installation of a new barrel and lock £114. She also referred to correspondence from Safe Deposits Scotland confirming that the full deposit of £695 would be paid to the Applicant having had sight of the said vouching. Ms Couser confirmed, as letting agent that the expenditure was entirely justified. The cleaning and other works were more than would be expected as routine costs at the end of a tenancy.

2.3 Rule 17 of the First-Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 provides that the Tribunal may do anything at a CMB which it may do at a hearing, including making a decision. The Tribunal was satisfied that it had before it sufficient information and documentation to decide the application without a hearing.

3) The Decision and Reasons

3.1 The Tribunal granted the sum sought and made an order in the sum of £3,008.19.

3.2 The Tribunal was satisfied from the vouching provided at the CMD that the sum claimed was due. The Applicant is entitled to rent lawfully due and expenditure necessarily incurred at the end of the tenancy.

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.

Hilary Macandrew

H Macandrew

14th October 2026

Legal Member/Chair

Date