



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) 2016

Chamber Ref: FTS/HPC/CV/26/0485

Re: Property at 169 Taylor Street, Methil, Fife, KY8 3AY (“the Property”)

Parties:

Mr Cameron Jones, Maryfield Farm Bungalow, Rosemill Road, Bridgefoot, Dundee, DD3 0RW (“the Applicant”)

Mr Kai Stewart, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Lauren Rae (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 in favour of the Applicant by the Respondent in the sum of TWO THOUSAND SIX HUNDRED and NINETY FIVE POUNDS (£2,695) STERLING

Background

1. By application dated 15 January 2021, the Applicant sought a payment order under section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“2016 Act”) and Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“2017 Rules”) for non-payment of rent in the sum of £2,575.
2. The application was accompanied by:-
 - A copy of the private residential tenancy between the parties;
 - Copy rent arrears statement
 - Copy section 11 notice in terms of the Homelessness Etc (Scotland) Act 2001.

3. The application was accepted for determination on the 20 February 2026.
4. Prior to the case management discussion ("CMD") being fixed, the Applicant lodged an application on 11 June 2026, introducing a new head of claim for damage to the door of the Property and to increase the sum sued for by £710 to £3,285. A copy of the invoice for the replacement door was produced.
5. The first CMD was fixed for 17 August 2026 at 2pm via telephone conference. Sheriff Officers were instructed to serve the papers and notification of the date and time of the CMD on the Respondent. By report dated 16 July 2026, the Sheriff Officers reported they had been unable to locate the Respondent and service had not been effected.
6. In terms of Rule 6A of the 2017 Rules, the Applicant applied for service by advertisement. The first CMD scheduled for 17 August 2026 was adjourned to allow service by advertisement. The CMD was adjourned to the 5 October 2026 at 10am. The advertisement was advertised on the Tribunal's website from 14 August 2026 and a certificate of service of advertisement lodged in process.
7. Accordingly, the Respondent is deemed to have been served with the papers and notification of the date and time of the adjourned CMD.

The CMD

8. The CMD took place on 5 October 2026 via teleconference. The Applicant was represented by his father, Mr Neil Jones. There was no appearance by or on behalf of the Respondent. The call was joined by an observer.
9. The tribunal explained the purpose of the CMD to the Applicant's representative and the powers available to the tribunal.
10. The tribunal was satisfied that service had been properly effected by the advertisement and resolved to proceed with the CMD.
11. Mr Jones, on behalf of the Applicant sought a payment order in the sum of £2,695 (reduced from £3,285). Candidly, Mr Jones explained that since the case was lodged, Safe Deposit Scotland had refunded the Respondent's deposit of £590 to the Applicant. As a result, the sum sued for required to be reduced to £2,695. Mr Jones advised that the Respondent left the Property, of his own volition on, 21 January 2026. Mr Jones did not know the Respondent's whereabouts or personal circumstances.

Findings in Fact

12. The Applicant is the heritable proprietor of the Property registered in the Land Register for Scotland under title number FFE67756.

13. The parties entered into a private residential tenancy agreement dated 21 March 2025.
14. The rent was £590 per calendar month.
15. The Respondent vacated the Property, of his own volition on 21 January 2026 following service of a notice to leave by the Applicant.
16. The Respondent had accrued rent arrears of £2,575 conform to rental statement lodged in process.
17. The door to the Property sustained damage as a result of the police forcibly entering the Property to undertake a welfare check on the Respondent. The cost of repairing the door was £710 (including materials and fitting).
18. The total sum claimed by the Applicant was £3,285.
19. The Applicant received the Respondent's deposit of £590 from Safe Deposit Scotland, which falls to be deducted from the sum claimed.
20. Accordingly, the Respondent is liable to pay the Applicant the sum of £2,695.

Reasons for Decision

21. The tribunal was satisfied by the material placed before it and supplemented by the oral submissions of Mr Jones that, in all the circumstances, it was appropriate to grant the order for payment in the reduced sum claimed (£2,695).

Decision

The Respondent is ordered to pay the Applicant the sum of TWO THOUSAND SIX HUNDRED AND NINETY-FIVE POUNDS (£2695) STERLING

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.

Lauren Rae

Legal Member/Chair

5 October 2026
Date