

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 2016

Chamber Ref: FTS/HPC/CV/25/5462

Re: Property at 84 Henry Street, Alva, FK12 5LQ (“the Property”)

Parties:

Mr James Skinner, 79 Sutherland Drive, Denny, FK6 5EP (“the Applicant”)

Mr Stuart MacPhail, 84 Henry Street, Alva, FK12 5LQ (“the Respondent”)

Tribunal Members:

Alastair Houston (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 of £5004.50 be made in favour of the Applicant

1. Background

- 1.1 This is an application under rule 111 of the Chamber rules whereby the Applicant sought an order for payment in respect of sums of rent apparently unpaid during a private residential tenancy agreement between the parties. The application was accompanied by a rent statement and a copy of the written tenancy agreement.
- 1.2 By email dated 10 August 2026, the Applicant’s representative applied to amend the sum sought and provided a further rent statement. The application also made reference to the costs of enforcing the Respondent’s eviction from the Property and seeking an eviction order.
- 1.3 No written representations had been received from the Respondent in advance of the Case Management Discussion.

2. The Case Management Discussion

- 2.1 The Case Management Discussion took place on 4 September 2026 by teleconference. The Applicant was represented by Mr Miller of MAM Property Management. The Respondent was neither present nor represented.
- 2.2 The Applicant's representative confirmed that the application was insisted upon. The Tribunal noted that intimation of the Case Management Discussion and application had been made by Sheriff Officers and considered it appropriate to proceed in the Respondent's absence as permitted by rule 29 of the Chamber rules.
- 2.3 The Applicant's representative confirmed that an order for payment was sought. The arrears had increased further since the application to amend the sum sought was made. The Tribunal advised it was not competent to issue an eviction order and a separate application would be required. The Tribunal also clarified that there had been no outlay incurred in respect of Sheriff Officers to evict the Respondent. The Tribunal indicated to award this would be premature. The Applicant's representative accepted this and sought a payment order in the sum of £5004.50 as per the application made on 10 August 2026, being rent that had gone unpaid. The Tribunal indicated that an order in that sum would be granted.

3. Reasons For Decision

- 3.1 In terms of the tenancy between the parties, the Respondent was obliged to make payment of rent of £566.00 per month, the rent having been increased following service of the relevant notice. The rent statement detailed the sums which had gone unpaid. In the absence of any representations by the Respondent as to why the sum of £5004.50 would not be lawfully due, the Tribunal granted an order for payment in that sum.

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.

A Houston

Legal Member/Chair

4 September 2026
Date