



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 (“the Act”)

Chamber Ref: FTS/HPC/CV/24/4712

Re: Property at 3 Jura Street, North Muirton, Perth, PH1 3AR (“the Property”)

Parties:

Ms Dianne Margaret Stewart, 98 Crammond Place, North Muirton, Perth, PH1 3BW (“the Applicant”)

Mr John Cowie, 3 Jura Street, North Muirton, Perth, PH1 3AR (“the Respondent”)

Tribunal Members:

Steven Quither (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) UNANIMOUSLY determined that the Respondent is to pay to the Applicant the sum of NINETEEN THOUSAND ONE HUNDRED AND SEVENTY FIVE POUNDS ONLY (£19175) STERLING.

BACKGROUND

1. This is an application for payment of rent arrears arising out of a Private Residential Tenancy (“PRT”) between the parties in respect of the Property commencing 1 October 2021 (erroneously stated in the PRT as “01 October 201”). The Tribunal accepted the application by Notice of Acceptance of 7 November 2024 and a Case Management Discussion (“CMD”) was duly fixed for 22 April 2025.
2. An associated eviction application, under Tribunal reference EV/24/4711, was considered together with this application.

3. Prior to the CMD, preliminary consideration of the supporting documentation for this application confirmed that as at 10 October 2024, when this application was lodged, there were outstanding rent arrears of £16425.
4. Personal service of this application was made on the Respondent by sheriff officers on 25 February 2025.
5. By email of 15 April 2025, the Applicant's agents provided a rent statement to April 2025, showing total rent arrears of £19175.

CASE MANAGEMENT DISCUSSION on 22 APRIL 2025

6. The CMD took place by teleconference and duly commenced shortly after 10am. The Applicant attended along with her representative, Robert Ferrie, Solicitor, of McCash & Hunter LLP, Solicitors, Perth.
The Respondent did not attend and was not represented.
7. In his submission to the Tribunal and in response to questions then asked by the Tribunal so far as relating to this application, Mr Ferrie advised and confirmed:--
 - a) The Applicant was seeking an order for payment of the arrears now outstanding of £19175, to which sum she was seeking to amend any reference to rent arrears (which the Tribunal was content to allow under Rule 13 of the First-Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules"));
 - b) As long ago as September 2022, the Applicant attended at the Property to speak to the Respondent regarding rent arrears then outstanding, but said visit had not enabled any progress to be made and resulted in the Applicant making a report to the police of having been assaulted by the Respondent;
 - c) The Applicant does not engage easily with people and has the benefit of a support worker to assist her day to day. She feels the Respondent is aware of her vulnerability and has taken advantage of it;
 - d) She tried to serve a Notice to Leave previously on the Respondent but was unable to do so successfully;

- e) She inherited the Property and then decided to let it out, but now intends to sell it;
- f) There is no personal or family connection between her and the Respondent, simply that of landlady/tenant and the large sum of rent arrears has simply accrued over time, rather than her affording the Respondent any particular or special leeway as to payment of rent;
- g) In addition to the rent arrears, the Applicant also seeks legal expenses, which are estimated to be in the region of £1400 or so;
- h) So far as the Applicant is aware, the Respondent is single, able to work and in employment, so she is not aware of the non-payment of rent having been caused by any benefits issue or suchlike; and
- i) In the event the Tribunal was not prepared to allow amendment due to any non-compliance with Rule 14A of the Rules, the Applicant would be seeking an order for payment in the original sum of £16425 claimed when the application was lodged.

FINDINGS IN FACT

- 8. The Respondent is due and liable for arrears of rent up to April 2025 of £19175 arising out of a PRT for the Property between the parties, commencing 1 October 2021.

REASONS FOR DECISION

- 9. The Tribunal was satisfied that arrears of £19175 had accrued per the rent statement to April 2025. Accordingly, it considers it just to make an order for payment in that amount, having regard to its power to consent to allow the Applicant to amend her case during the CMD in terms of Rule 13 of the Rules.
- 10. In the absence of any unreasonable behaviour on the Respondent's part occasioning unnecessary or unreasonable expense to the Applicant, beyond apparently wilful non-payment of rent, the Tribunal does not find it just to make an award of expenses and accordingly declines to do so, all under reference to Rule 40 of the Rules.

DECISION

11. To grant the order for payment sought by the Applicant in the amended sum of £19175.

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.

Steven Quither

22 APRIL 2025

Legal Member/Chair

Date