



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)  
Act 2014 (“the 2014 Act”)**

**Chamber Ref: FTS/HPC/CV/24/2771**

**Re: Property at 142 Scott Road, South parks, Glenrothes, KY6 1AG (“the  
Property”)**

**Parties:**

**Mr Kuldip Purewal, Ingleside House, Leslie, Glenrothes, KY6 3JA (“the  
Applicant”)**

**Miss Mandy Smith, formerly residing at 142 Scott Road, South Parks,  
Glenrothes, KY6 1AG, but whose whereabouts are unknown (“the  
Respondent”)**

**Tribunal Members:**

**Ruth O'Hare (Legal Member)**

**Decision (in absence of the Respondent)**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment in the sum of Three thousand, eight hundred and twenty eight pounds and forty six pence (£3828.46)

**Background**

- 1 This is an application under Rule 70 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules” and section 71 of the 2014 Act. The Applicant sought a payment order against the Respondent in the sum of £1,639.42 in respect of unpaid rent.
- 2 The application was referred to a case management discussion (“CMD”) to take place by teleconference on 5 November 2024. Notification of the CMD was given to the parties under Rule 17(2) of the Rules. Said notification was served upon the Respondent by sheriff officers on 27 September 2024.

- 3 The CMD took place on 5 November 2024. Neither party was in attendance. The CMD was therefore adjourned in order to give parties the opportunity to attend. Notification of the CMD was given to the parties in accordance with Rule 17(2) of the Rules.
- 4 The Applicant subsequently submitted an application to amend the sum claimed to £3828.46, which was intimated upon the Respondent. The Applicant confirmed that the Respondent had left the property.

### **The Case Management Discussion**

- 5 The second CMD took place on 10 April 2025 by teleconference. The Applicant was represented by his daughter Ms Satinder Mahey. The Respondent did not join the call.
- 6 The tribunal had the following documents before it:-
  - (i) Form F application form;
  - (ii) Land Certificate FFE73515 confirming the Applicant to be the registered owner of the property;
  - (iii) Excerpt from the landlord register confirming the Applicant's landlord registration;
  - (iv) Tenancy agreement between the parties dated 19 April 2013;
  - (v) Rent statements; and
  - (vi) Copy correspondence from the Applicant's letting agent to the Respondent in compliance with the rent arrears pre-action protocol.
- 7 The tribunal heard submissions from Ms Mahey. She confirmed that the Applicant sought an order for payment in the sum of £3828.46.

### **Findings in Fact**

- 8 The Applicant and Respondent entered into a tenancy agreement in respect of the property, which commenced on 25 April 2013.
- 9 The tenancy was a short assured tenancy as defined by section 32 of the 1988 Act.
- 10 The Respondent had a contractual obligation to pay rent under the terms of the said tenancy agreement at the rate of £470.
- 11 The Respondent defaulted on her rental obligations resulting in arrears of £3828.46.

### **Reasons for Decision**

- 12 The tribunal considered it could make relevant findings in fact and reach a decision on the application based on the application paperwork and the submissions from Ms Mahey at the CMD. The Respondent had been served with

the application papers prior to leaving the property but had not sought to make any written representations to challenge any of the information provided by the Applicant, nor had she attended the CMD. There was therefore no requirement to fix a hearing as no disputed matters were identified.

- 13 The Applicant had requested an increase in the sum claimed timeously under Rule 14A of the Rules. The tribunal therefore determined to make an order for payment in the sum of £3828.46.

### **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.**

Ruth O'Hare

**16 April 2025**

**Legal Member/Chair**

**Date**

---