



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

Chamber Ref: FTS/HPC/CV/24/4385

Re: Property at Ardchatten Manse, North Cannel, Oban, PA37 1QZ (“the Property”)

Parties:

The Church of Scotland General Trustees, 121 George Street, Edinburgh, EH2 4YN (“the Applicant”)

Ms Joy Carney, Ardchatten Manse, North Cannel, Oban, PA37 1QZ (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

- Background

This is an application for an order for payment of rent arrears alleged to be owed by the Respondent in terms of her private residential tenancy agreement with the Applicant. It called for a case management discussion (‘CMD’) at 10am on 19 May 2025, by teleconference. The Applicant was represented on the call by Mr Di Paola, solicitor, from its inhouse team. The Respondent was not on the call and was not represented. The commencement of the CMD was delayed by 10 minutes, in case of any technical difficulty; but there remained no contact from her.

A copy of the application and notice of the CMD was given to the Respondent by sheriff officers on 13 March 2025. The Tribunal was satisfied that it was reasonable to proceed on the basis that the matter was therefore undefended.

- Findings in Fact

The following facts from the application were relied on by the Tribunal, as unopposed:

1. The Respondent entered into a private residential tenancy agreement with the Applicant in respect of the Property, with a start date of 15 July 2023.
2. In terms of that agreement, rent of £1,000 was due on the 15th day of each month.
3. The Respondent paid no rent from 15 November 2023 to 15 September 2024 and thereby accrued arrears of £11,000 for that period.
4. The Respondent has made no payment towards those arrears.

- Reasons for Decision

5. The Respondent owes the sum sought in the application to the Applicant. An order for payment of that amount should therefore be made.
6. The Applicant requested that the application be amended to include a further sum, in an email of 8 May 2025 to the Tribunal. That email was not copied to the Respondent. The Tribunal indicated that it did not consider it could allow such an amendment at this stage, the requisite notice not having been given. The Applicant noted that position and asked, in the alternative, for an order simply to be granted in terms of the original application.

- Decision

Order made for payment by the Respondent to the Applicant of the sum of ELEVEN THOUSAND POUNDS STERLING (£11,000).

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.

Nairn Young

Nairn Young
Legal Member/Chair

— 19th May 2025
Date