



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Regulations”)**

**Chamber Ref: FTS/HPC/CV/24/5365**

**Re: Property at 45 Highfield Crescent, Motherwell, ML1 4BN (“the Property”)**

**Parties:**

**Miss Anne Bowman, 35 Airbles Crescent, Motherwell, ML1 3AP (“the Applicant”)**

**Mr James Hagan, Unknown, Unknown (“the Respondent”)**

**Tribunal Members:**

**Nicola Weir (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 by the Respondent in the sum of £2,100 should be made in favour of the Applicant.**

## **Background**

1. By application received on 20 November 2024, the Applicant applied to the Tribunal for an order for payment of rent arrears of £2,100 against the Respondent. Supporting documentation was submitted in respect of the application, including a copy of the tenancy agreement, a rent statement, proof of payments made in respect of rent by the Respondent, a copy of a previous Tribunal decision dated 9 October 2024 in respect of the Applicant’s eviction application against the Respondent and some copy correspondence to the Respondent regarding the arrears. The Applicant also submitted an application for Service by way of Advertisement on the Tribunal website, together with proof of her unsuccessful efforts to trace the forwarding address of the Respondent, which he had not provided to her when he vacated the Property.

2. Following initial procedure, on 17 December 2024, a Legal Member of the Tribunal with delegated powers from the Chamber President issued a Notice of Acceptance of Application in terms of Rule 9 of the Regulations.
3. Notification of the application and details of the Case Management Discussion ("CMD") fixed for 22 May 2025 was served on the Respondent by way of Advertisement on the Tribunal website, as his present address was unknown.
4. On 18 May 2025, written representations were received from the Respondent, which he had previously tried to submit on 7 May 2025 but had not quoted the application reference number. The Respondent admitted the debt claimed by the Respondent and provided his explanation for this. He also attached a screenshot of a lengthy message he had sent to the Applicant on 7 March 2024 on receipt of his eviction notice, explain his position to her and apologising for the situation.

### **Case Management Discussion**

5. The Case Management Discussion ("CMD") took place by telephone conference call on 22 May 2025 at 10am. Only the Applicant, Miss Bowman was in attendance. The Respondent did not attend, although the Tribunal delayed the commencement of the CMD for 5 minutes to give him an opportunity to join late, but he did not do so.
6. Following introductions and introductory comments by the Legal Member, there was discussion regarding the application and the representations received from the Respondent. Miss Bowman confirmed that she was still seeking an order for £2,100 as there have been no further payments received from the Respondent meantime. As regards the tenancy deposit, which it was noted from the tenancy agreement amounted to £425, Miss Bowman confirmed that she did take a deposit and that this was returned to her in full following the end of the tenancy from the tenancy deposit scheme where it had been held. Miss Bowman confirmed that the Respondent had not been in contact with the scheme regarding the matter and she required to use the deposit money to put towards the repair costs she had to pay out in order to reinstate the Property to a liveable condition. She stated that the costs incurred were far more than the deposit amount and that there is accordingly no balance left over to be put towards the rent arrears. The Legal Member asked for Miss Bowman's comments on the Respondent's representations about maintaining the Property well but she stated that this was not the case. The Property was damaged and had been neglected. She has retained the Property and now has a family member living there, rather than letting it out on the open market again.
7. Miss Bowman confirmed that she has had no further direct communication from the Respondent who had messaged her on the morning of the CMD on 9 October 2024 in respect of her eviction application to confirm that he had vacated. She had asked him for his forwarding address but he had not supplied this. She had employed tracing agents to try and find him but this was not successful at the time. She mentioned that there have been several people at

the Property address meantime, including police and Sheriff Officers, seeking to locate him.

8. The Legal Member confirmed that, given that there is no opposition from the Respondent, she would grant the payment order as sought and that the decision paperwork would be issued shortly. Miss Bowman was thanked for her attendance.

### **Findings in Fact**

1. The Applicant was the owner and landlord of the Property.
2. The Respondent was the tenant of the Property by virtue of a Private Residential Tenancy which commenced on 10 November 2021.
3. The Respondent had vacated the Property on or around 9 October 2024 and his present whereabouts are unknown.
4. The rent in respect of the tenancy was £425 per calendar month.
5. Payments towards rent were erratic in terms of the amounts made by the Respondent and the monthly rental was sometimes missed altogether or was often short.
6. Arrears accrued steadily during the tenancy, although the Respondent did make frequent smaller payments and amounted to £2,100 by the end of the tenancy.
7. The Respondent has made no payments towards the arrears since he vacated the tenancy.
8. The Applicant sought to engage with the Respondent throughout the tenancy regarding the arrears but he failed to address the situation.
9. The Respondent had been called upon to make payment of the rent arrears but has failed to do so.
10. The Respondent lodge written representations, explaining the reasons for the arrears but admitting same.
11. The Respondent did not make a time to pay application, nor attend the CMD.
12. The sum of £2,100 is due and resting owing to the Applicant by the Respondent in respect of unpaid rent arising from this tenancy.

## **Reasons for Decision**

1. The Tribunal gave careful consideration to all of the background papers including the application and supporting documentation, the written representations lodged by the Respondent and the oral information provided at the CMD by the Applicant.
2. The Tribunal found that the application was in order, that the Respondent admitted the debt and that the sum of £2,100 sought in terms of this application was owing in respect of rent arrears.
3. The Tribunal did not have any material before it to contradict the Applicant's position or that the Respondent was opposing the application. The Tribunal accordingly determined that an order for payment in the sum of £2,100 could properly be granted at the CMD as there were no facts in dispute nor any other requirement for an Evidential Hearing.

## **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.**

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**Legal Member/Chair**

**22 May 2025**  
**Date**