



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/24/5252

Re: Property at 17 Generals Gate, Uddingston, G71 7QP (“the Property”)

Parties:

Mrs Mary Inglis, 39 Greenfield Avenue, Alloway, South Ayrshire, KA7 4NR (“the Applicant”)

Miss Kimberely Kerr, UNKNOWN, 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”) made an order for payment in the sum of Three thousand seven hundred and sixty three pounds and forty three pence (£3763.43).

Background

- 1** This is an application for a payment order under section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) and Rule 111 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”). The Applicant claimed the sum of £3763.43 from the Respondent in respect of unpaid rent.
- 2** The application was referred to a case management discussion (“CMD”) to take place by teleconference on 3 June 2025. The Tribunal gave notification of the CMD to the parties in terms of Rule 17(2) of the Rules.
- 3** The Tribunal attempted to serve notification of the CMD upon the Respondent by sheriff officers but was unable to do so, having received confirmation from the occupier that the Respondent was no longer residing at the address given. Sheriff officers attempted to contact the Respondent by telephone but received

no response. The Tribunal therefore gave notification of the CMD to the Respondent by advertisement on the Tribunal's website between 31 March 2025 and 3 June 2025 in terms of Rule 6A of the Rules. An email was sent to the Respondent on 31 March 2025 directing her to the relevant page of the Tribunal's website.

- 4 Both parties were invited to make written representations in advance of the CMD. No written representations were received.

The CMD

- 5 The CMD took place on 3 June 2025 at 10am by teleconference. Mrs Nicola Canale of Nicola Kennedy Residential represented the Applicant. The Respondent did not join the call. The Tribunal delayed the start time of the CMD for a short period before determining to proceed in her absence, noting that she had received proper notification of the CMD under Rule 17(2) of the Rules.
- 6 The Tribunal had the following documents before it:-
 - (i) Form F application form dated 14 November 2024;
 - (ii) Title sheet LAN181462 confirming the Applicant as the registered owner of the property;
 - (iii) Excerpt from the online landlord register confirming the Applicant's landlord registration;
 - (iv) Private residential tenancy agreement between the parties dated 20 February 2019;
 - (v) Statement of rent account;
 - (vi) Bank statements;
 - (vii) Copy email from Nicola Kennedy Residential to the Respondent dated 13 November 2024;
 - (viii) Decision of the Tribunal dated 7 February 2024 in case reference FTS/HPC/EV/23/2957; and
 - (ix) End of tenancy statement of charges.
- 7 The Tribunal heard from Mrs Canale on the Applicant's behalf. The Respondent's absence was not a surprise to her as the Respondent had failed to attend a previous CMD for application FTS/HPC/EV/23/2957. The Respondent had been in contact with her up until the eviction proceedings began. There had since been no further communications from the Respondent, and no payments. The Applicant sought a payment order in the sum of £3763.43

Findings in fact

- 8 The Applicant and Respondent entered into a tenancy agreement in respect of the property, which commenced on 29 February 2019.

- 9 The tenancy between the parties was a private residential tenancy as defined by section 1 of the 2016 Act.
- 10 In terms of Clause 8 of the said tenancy agreement the Respondent agreed to pay rate at the rate of £650 per month, payable in advance.
- 11 The rent was increased to £695 per month, effective from 28 August 2022.
- 12 The tenancy between the parties terminated on 2 April 2024.
- 13 As at the date of termination rent arrears in the sum of £3810.43 were outstanding.
- 14 The Applicant received the sum of £47 from the Respondent's tenancy deposit towards the arrears, following deductions for reinstatement costs.
- 15 The Respondent is liable to pay the sum of £3763.43 to the Applicant under the terms of the tenancy agreement between the parties.

Reasons for decision

- 16 The Tribunal was satisfied that it could make relevant findings in fact in order to reach a decision following the CMD, and that to do so would not be contrary to the interests of the parties in this case. The Respondent had been given the opportunity to make written representations, and to attend the CMD, but had chosen not to do so. T
- 17 Having considered the documentary evidence before it, the Tribunal accepted that the Respondent had failed to comply with her rental obligations under the tenancy agreement between the parties, resulting in arrears of £3763.43 as at the end of the tenancy. The Respondent had not provided any contradictory evidence to counter the Applicant's position and the Tribunal accepted it as fact.
- 18 The Tribunal therefore made an order in the sum of £3763.43.

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

3 June 2025

Legal Member/Chair

Date
