



**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/24/3867

Re: Property at 79 Redburn Wynd, Helensburgh, G84 7EG (“the Property”)

Parties:

Lormor Limited, Aucheneck House, Stockiemuir, Killearn, G63 9NQ (“the Applicant”)

**Ms Kirsty McCarroll (or Morris), 79 Redburn Wynd, Helensburgh, G84 7EG
 (“the Respondent”)**

Tribunal Members:

Ruth O'Hare (Legal Member) and Mary Lyden (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment in the sum of Eighteen thousand three hundred pounds (£18,300) Sterling

Background

- 1 This is an application for an order for payment under section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 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 £18,300 in respect of unpaid rent.
- 2 The application was referred to a case management discussion (“CMD”) to take place by teleconference on 19 May 2025. The Tribunal gave notification of the CMD to the parties in terms of Rule 17(2) of the Rules. Said notification was served upon the Respondent by sheriff officers on 18 March 2025.
- 3 Both parties were invited to make written representations in advance of the CMD. No written representations were received.

The CMD

- 4 The CMD took place on 19 May 2025 at 10am by teleconference. Ms Sharyn Mackie of Endrick Property represented the Applicant. The Respondent also joined the call.
- 5 The Tribunal had the following documents before it:-
 - (i) Form F dated 21 August 2024;
 - (ii) Title sheet DMB98276;
 - (iii) Excerpt from the online landlord register confirming the Applicant's landlord registration;
 - (iv) Private residential tenancy agreement between the parties dated 29 April 2022; and
 - (v) Rent statement.
- 6 The Tribunal heard submissions from the parties on the application. For the avoidance of doubt the following is a summary of the key elements of the discussion and does not constitute a verbatim account.
- 7 Ms Mackie confirmed that the Applicant sought an order for payment. The arrears now stood at £28,200. The Applicant wished to seek an order in that sum. The Tribunal noted that no request to amend the claim had been received under Rule 14A of the Rules. Ms Mackie explained that she was awaiting the CMD in order to provide an updated figure. However, in the absence of a request under Rule 14A, she asked the Tribunal to make an order in the sum claimed.
- 8 The Respondent confirmed that the property had been bought for herself and her three children. She was taken aback when the Applicant engaged Ms Mackie's agency to manage the property. The Applicant had advised her that the property would always be her home. She didn't think the rent would be so high. She had agreed a lower rent of £1,100 per month with the Applicant. However, the Applicant had indicated that she should not worry if she couldn't pay the rent at times. The Respondent would not have taken on the property if she knew it was going to be a tenancy situation. She wanted to agree a payment plan with the Applicant for the rent and arrears.
- 9 The Tribunal adjourned the CMD to deliberate, at which point parties left the call, before resuming the CMD and confirming the outcome.

Findings in fact

- 10 The Applicant is the registered owner of the property. The Applicant is a registered landlord.
- 11 The Applicant and Respondent entered into a tenancy agreement for the property, which commenced on 1 March 2022.

- 12 The tenancy between the parties was a private residential tenancy as defined by section 1 of the 2016 Act.
- 13 In terms of Clause 8 of the said tenancy agreement the Respondent undertook to pay rent of £1,100 per month.
- 14 The Respondent has not paid any rent since 4 April 2023.
- 15 As at 1 August 2024 rent arrears in the sum of £18,300 have accrued.
- 16 The Respondent is liable to pay the sum of £18,300 to the Applicant under the terms of the tenancy agreement between the parties.
- 17 Despite repeated requests the Respondent has refused or delayed in making payment of the sum claimed.

Reasons for Decision

- 18 The Tribunal was satisfied it had sufficient information before it to make relevant findings in fact and reach a decision on the application having regard to the application paperwork and the submissions heard at the CMD. In terms of Rule 17(4) and Rule 18(1) of the Rules the Tribunal determined that it could make a decision at the CMD as there were no issues to be resolved that would require a hearing and the Tribunal was satisfied that to make a decision would not be contrary to the interests of the parties.
- 19 Based on the application paperwork the Tribunal accepted that the Respondent had agreed to pay rent of £1,100 to the Applicant and had failed to do so, resulting in arrears of £18,300 as at 1 August 2024. Those facts were not in dispute. Whilst the Tribunal took into account the Respondent's submissions regarding the circumstances surrounding the creation of the tenancy, it could not ignore the terms of the contract before it. The Respondent did not dispute that she had signed the tenancy agreement, and that she had failed to pay rent as agreed.
- 20 The Tribunal therefore determined to make an order for payment in the sum of £18,300. The decision of the Tribunal was unanimous.
- 21 For the avoidance of doubt this decision does not prevent any ongoing discussions between the parties with a view to agreeing a payment plan for repayment of the arrears.

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.

Legal Member: Ruth O'Hare

Date: 19th May 2025