

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”) and Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Rules”)

Chamber Ref: FTS/HPC/CV/25/0282

Property:

Tribunal Members:

Ms Susanne L. M. Tanner K.C. (Legal Member)
Mrs Helen Barclay (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent should pay the Applicant the sum of FIVE THOUSAND POUNDS (£5000.00) STERLING; with interest at the rate of 4.25 per cent per annum from the date of the order until payment; and made an Order for Payment in respect of the said sum and interest.

Reasons

Procedural Background

1. The Applicant’s Representative made an application to the tribunal on 23 January 2025 in terms of Section 16 of the Housing (Scotland) Act 2014 and Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (“the 2017 Rules”).
2. The Applicant sought an order for payment against the Respondent in respect of rent arrears of £3,000, plus interest from the date of the order. A separate application for an order for eviction was also made.
3. The Applicant’s Representative lodged supporting documents with the Application as follows:
 - 3.1. Paper apart;
 - 3.2. Copy of the tenancy agreement;

- 3.3. Notice to Leave dated 7 October 2024 and proof of service;
 - 3.4. Letter from Martin & Co Dunfermline dated 3 October 2024;
 - 3.5. Rent Statement;
 - 3.6. Rent increase notice; and
 - 3.7. Section 11 Notice and proof of service by email.
4. The Application was accepted for determination by a tribunal. Both parties were notified by letters dated 10 April 2025 of the date, time and place of Case Management Discussion ("CMD") in relation to the Application on 23 June 2025 at 1400h. The Respondent was invited to make written representations in response to the Application. Both parties were advised that they were required to attend the CMD. The parties were advised that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision on the application which may involve making or refusing a payment order. The parties were also advised that if they do not attend the CMD this will not stop a decision or order being made if the tribunal considers that it has sufficient information before it to do so and the procedure has been fair. The Application paperwork and notification was served on the Respondent by Sheriff Officers on 11 April 2025.
5. On 9 June 2025, an application to amend the sum claimed to £5,000.00 plus interest from the date of the order was made. A copy was sent to the Respondent.
6. The Respondent did not submit any written representations to the tribunal or make any contact with the tribunal.

CMD: 23 June 2025, 1400h, Teleconference

7. The Applicant's Representative, Mr Deane, joined the CMD.
8. The Respondent, Mr Smith, did not attend or made any contact with the tribunal. The tribunal was satisfied that the Respondent was served with Application and notification of the CMD on 11 April 2025 by Sheriff Officers and that the requirements of rule 24(1) of the 2017 Rules regarding the giving of notice of a hearing had been duly complied with. The tribunal proceeded with the Application upon the representations of the party present and all the material before it.
9. Mr Deane sought a payment order in the sum of £5000.00 plus interest at the rate of 4.25% per annum from the date of the order until payment. He stated that the sum claimed represented arrears to 9 June 2025, which was the date of the application to amend, which was intimated the Respondent. He submitted that the interest sought was reasonable given the length of time for which there had been arrears. He stated that the Respondent has made no proposals for repayment of arrears and remains in the Property.

10. There has been no defence submitted by the Respondent.

Findings in Fact

11. The Applicant is the registered proprietor of the Property.

12. There is a private residential tenancy between the parties in respect of the Property.

13. The rent was initially £450.00 per calendar month and increased to £500.00 per calendar month from 18 August 2024.

14. As at 9 June 2025, the Respondent had rent arrears of £5000.00.

15. Between 9 June 2025 and 23 June 2025, no payments have been made by the Respondent towards the rent arrears.

Discussion

16. The tribunal determined on the basis of the Application, including supporting documents that the Applicant has proved that the Respondent owes the Applicant the amended sum of £5000.00 in respect of rent arrears to 9 June 2025 and made an order for payment by the Respondent to the Applicant for the said sum.

17. The tribunal was satisfied that interests should be awarded from the date of the order at a rate of 4.25 per cent per annum from the date of the order for payment until paid.

S. Tanner KC

Legal Member/Chair

23 June 2025