



**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/24/5648**

**Re: Property at 42 Alloway Drive, Kirkintilloch, Glasgow, G66 2NF (“the Property”)**

**Parties:**

**Colwall Property Ltd, Barton Lodge, Colwall Malvern, Worcestershire, WR13 6HN (“the Applicant”)**

**Mr Robert Letham Scott, Miss Jenna Clark, 42 Alloway Drive, Kirkintilloch, Glasgow, G66 2NF (“the Respondents”)**

**Tribunal Members:**

**Ruth O'Hare (Legal Member)**

**Decision (in absence of the Respondents)**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment in the sum of Seven thousand five hundred and eighty pounds (£7580) Sterling against the Respondents in favour of the Applicant.

**Background**

- 1 This is an application for a payment order under rule 111 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”) and section 71 of the Private Housing (Tenancies) (Scotland) Act 2016. The Applicant sought an order to recover rent unpaid by the Respondents.
- 2 The application was referred to a case management discussion (“CMD”) to take place by teleconference. The Tribunal gave notice of the CMD to the parties in accordance with Rule 17(2) of the Rules. Said notice was served upon the Respondents by sheriff officers on 8 July 2025.

- 3 The Tribunal invited both parties to make written representations in advance of the CMD. No written representations were received from either party.

### **The CMD**

- 4 The CMD took place on 21 August 2025 at 2pm by teleconference. Mr Mike Thompson appeared on behalf of the Applicant, with Mrs Alison Spence of McTurk and Muir Lettings Ltd in attendance as their representative. The Respondents did not join the call. The Tribunal noted that they had been served notice of the CMD by sheriff officers in accordance with Rule 17(2) of the Rules. Mrs Spence further advised that she had spoken with them recently to remind them of the upcoming CMD. The Tribunal therefore delayed the start time of the CMD to give the Respondents the opportunity to join before determining to proceed in their absence.
- 5 The Tribunal had the following documents before it:-
  - (i) Form F application form and paper apart;
  - (ii) Title sheet confirming the Applicant's ownership of the property;
  - (iii) Excerpt from the online landlord register confirming the Applicant's landlord registration;
  - (iv) Private residential tenancy agreement between the parties;
  - (v) Copy correspondence from the Applicant to the Respondents in accordance with the rent arrears pre-action protocol; and
  - (vi) Rent statements.
- 6 The Tribunal heard submissions from Mrs Spence on the application. The following is a summary of the key elements of the submissions and is not a verbatim account.
- 7 Mrs Spence advised that the Respondents had paid some money towards the rent arrears but they were increasing once more and currently stood at £7710. The Respondents did not appear to be taking responsibility for dealing with matters, with recent payments having come from family members, and from Mr Scott's employer. The Applicant was concerned that the Respondents would be liable for repaying the sums to third parties, on top of maintaining their rental payments. Mr Scott had offered payments of £200 per week, which did not cover the monthly rent. It was a repeating pattern. The Applicant was therefore seeking a payment order. The Applicant was also taking steps to seek repossession of the property as a result of the Respondents' failure to pay the rent.

### **Findings in fact and law**

- 8 The Applicant is the landlord, and the Respondents are the tenants, of the property under a private residential tenancy agreement.
- 9 The rent due under the terms of the said tenancy agreement is £1,190 per calendar month.

- 10 The Respondents have failed to pay rent as agreed.
- 11 As at the date of this decision rent arrears of £7710 have accrued.
- 12 The Respondents are liable to pay the sum of £7710 to the Applicant.

### **Reasons for decision**

- 13 The Tribunal was satisfied that it had sufficient information to reach a decision on the application following the CMD, and that to do so would not be contrary to the interests of the parties. The Tribunal was able to make relevant findings in fact based on the Applicant's evidence, which was clear and consistent. The Respondents had not sought to put forward any contradictory evidence to the Tribunal.
- 14 Based on its findings in fact, the Tribunal accepted that the Respondents had failed to pay rent as agreed, resulting in arrears of £7710, and determined that they were liable under the terms of the tenancy agreement between the parties to pay that sum to the Applicant. However, in the absence of an application under Rule 14A of the Rules for amendment of the sum claimed, the Tribunal was restricted to consideration of the sum sought in the application, which was £7580.
- 15 The Tribunal therefore made an order for payment against the Respondents in the sum of £7580.

### **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**

**21 August 2025**

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**Legal Member/Chair**

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**Date**