

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/25/0212

Re: Property at 55 The Grove, Heathhall, Dumfries, DG1 1TN (“the Property”)

Parties:

Dalloch Limited, C/O Direct Lettings, 5-6 Melville Place, Edinburgh, EH3 7PR (“the Applicants”)

Mrs Laura Thomas and Mr James Thomas, both 5 Spottesburn Crescent, Springholm, DG7 3PQ (“the Respondents”)

Tribunal Member:
George Clark (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and made an Order for Payment by the Respondents to the Applicants of the sum of £748.73.

Background

1. By application, dated 17 January 2025, amended on 19 February 2025, the Applicants sought an Order for Payment in respect of unpaid rent that had become due by the Respondents to the Applicants. The sum sought was £748.73.
2. The application was accompanied by a copy of a Short Assured Tenancy Agreement between the Parties, commencing on 15 September 2017 at a rent of £470 per month, with a deposit of £480, and a Rent Statement showing arrears as at 27 September 2024 of £748.73. A payment of £525, due on 15 May 2024 had been missed, as had a payment of £223.73, due on 15 September 2024 for the period from then to 27 September 2024. The last payment of rent had been £525 on 23 August 2024, that payment having fallen due on 15 August 2024.

3. On 9 June 2025, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondents were invited to make written representations by 30 June 2025.
4. On 30 June 2025, the Respondents made written submissions to the Tribunal. They accepted that rent was due for the month from 15 May 2024 but asked the Tribunal to delay proceedings until they hear from the Financial Ombudsman in relation to fraudulent activity on their bank account. They disputed the payment said to be due on 15 September 2024, as they paid their rent in advance and their final payment would have covered the period to 15 September 2024. Their new tenancy began on 19 September 2024, so they could not be due this amount. They had also not received their deposit back.
5. On 24 July 2025, the Applicants' representatives, Direct Lettings Edinburgh, made further representations. They stated that the deposit had been claimed for gardening and the uplift of waste. They attached an Invoice for garden maintenance on 6 and 7 November 2024 (£550) and three Invoices for uplift and transport of waste, totalling £285.84, together with a copy of an email of 3 January 2025 to the Respondents, advising them of the sums claimed against the deposit and attaching copies of the Invoices.

Case Management Discussion

6. A Case Management Discussion was held by means of a telephone conference call on the afternoon of 31 July 2025. The Applicants were represented by Ms Jacqueline McAinsh of Direct Lettings, Edinburgh. The Respondents were not present or represented.
7. Ms McAinsh told the Tribunal that no payment towards the arrears had been received from the Respondents to date. She confirmed that the agreed termination date of the tenancy had been 27 September 2024 and that the Applicants would not support the Respondents' request to delay proceedings.

Reasons for Decision

8. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision.
9. The Tribunal was satisfied that the sum sought in the application had become lawfully due by the Respondents to the Applicants. The rent paid on 23 August 2024 had been for the period from 15 August 2024, so the Respondents were liable for a further rental payment from 15 September 2024 until the date of termination of the tenancy, which had been 27 September 2024. The Tribunal was not prepared to delay its consideration of the application pending the outcome of the Respondents' application to the Financial Ombudsman. There was no indication of when the Ombudsman's decision would be made and no guarantee as to the outcome.

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.

George Clark

Legal Member/Chair

31 July 2025
Date