



**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**

Chamber Ref: FTS/HPC/CV/24/5515

Re: Property at 5 Whinpark Place, Newburgh, Fife, KY14 6ED (“the Property”)

Parties:

Mr David Gourlay, 22 Burnside, Scone, Perth, PH2 6LP (“the Applicant”)

**Mr Justin Jackson, 5 Whinpark Place, Newburgh, Fife, KY14 6ED (“the
Respondent”)**

Tribunal Members:

Steven Quither (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the Respondent is to pay to the Applicant the sum of
ELEVEN THOUSAND ONE HUNDRED AND NINETY POUNDS ONLY (£11190)
STERLING.**

BACKGROUND

1. This is an application originally dated 29 November 2024 for payment of rent arrears arising out of a Short Assured Tenancy (“SAT”) between the parties in respect of the Property commencing 1 February 2016 at a rent of £425 per month.
2. After a request for further information and clarification from the Tribunal dated 30 December 2024 was answered by the Applicant’s Representatives (Fentons Property Ltd, Perth) on 7 January 2025, an amended application was lodged and duly accepted by the Tribunal by Notice of Acceptance of 7 February 2025. A Case Management Discussion (“CMD”) was duly fixed for 29 July 2025.

3. Prior to the CMD, preliminary consideration of the supporting documentation for this application confirmed that as at 29 November 2024, when this application was originally lodged, there were outstanding rent arrears to November 2024 of £7190, per rent statement lodged along with the application.
4. Letterbox service of this application was made on the Respondent by sheriff officers on 29 April 2025.

CASE MANAGEMENT DISCUSSION on 29 JULY 2025

5. The CMD took place by teleconference and duly commenced soon after 2pm. The Applicant's representative, Maxine Fenton, of Fentons, attended. The Respondent did not attend and was not represented.
6. In her submission to the Tribunal and in response to questions then asked by the Tribunal so far as relating to this application, Mrs Fenton advised and confirmed:--
 - a) The Applicant was seeking an order for payment of the original arrears outstanding of £7190, which sum she was seeking to amend, if possible, to add further rent arrears which had now accrued since the application was originally made, amounting to a further £4000 (which the Tribunal was content to allow under Rule 13 of the First-Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules"));
 - b) Previously she had been in fairly regular contact with the Respondent asking him to address the question of rent arrears, but after a period of some communication with him, he had stopped responding and emails to him were now "bouncing";
 - c) Contractors who had attended at the Property sometime in 2024 to repair a leak reported back that the Property seemed to be in a condition of considerable disarray;
 - d) She was aware that the Respondent seemed to have lived away from the Property at some stage and was not even sure if he was still living there;
 - e) She was also aware that at some stage the Respondent was self employed in the supply and installation of wood burning stoves, but did not know if that was still the case;
 - f) The Applicant would now be seeking to recover possession of the Property as expeditiously as possible;

- g) She was not particularly surprised the Respondent was not in attendance today.

FINDINGS IN FACT

7. The Respondent is due and liable for arrears of rent up to July 2025 of £11190 arising out of a SAT for the Property between the parties, commencing 1 February 2016.

REASONS FOR DECISION

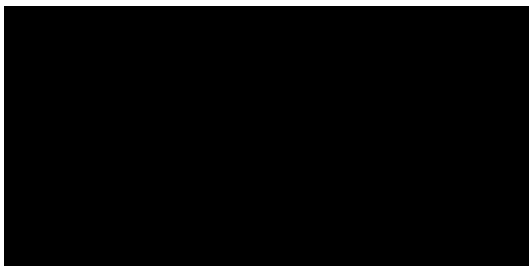
8. The Tribunal was satisfied that arrears of £11190 had accrued per the rent statement to November 2024 and as further advised at today's CMD. Accordingly, it considers it just to make an order for payment in that amount, having regard to its power to consent to allow the Applicant's Representative to amend the Applicant's case during the CMD in terms of Rule 13 of the Rules.

DECISION

9. To grant the order for payment sought by the Applicant in the amended sum of £11190.

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.



29 JULY 2025

Date