



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/25/0148

Re: Property at 64/1 Parkend Road, Saltcoats, KA21 5PJ (“the Property”)

Parties:

Mr Robin McMaster Blythe, 8 Castleburn Gardens, Kilwinning, KA13 7ND (“the Applicant”)

Mr George Park, 64/1 Parkend Road, Saltcoats, KA21 5PJ (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for payment in the sum of ONE THOUSAND EIGHT HUNDRED AND FORTY-THREE POUNDS AND NINETY-FOUR PENCE (£1843.94)

Background

1. By application dated 15 January 2025 the applicant seeks an order for payment in respect of rent arrears. The case was conjoined with application reference FTS/HPC/CV/25/0150 seeking an order for eviction relying on ground 12 (rent arrears for three or more consecutive months) in Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016
2. The applicant lodged the following documents in advance of the case management discussion (“cmd”):
 - Copy tenancy agreement

- Rent statements spanning the period from July 2022 to July 2025
3. A case management discussion (“cmd”) was scheduled to take place via teleconference on 30 July 2025.
 4. Prior to the cmd the applicant’s representative submitted copies of emails from the respondent sent to them after the application had been submitted.
 5. On 25 July 2025 the respondent emailed the Tribunal stating:

Can I please have more time to seek legal consultation as I have been deliberately obfuscated and have not had time to apply for legal aid or help with legal costs as I think my naivety to procedures has been deliberately taken advantage of.
 6. The Tribunal considered the email as an application to postpone the cmd. In light of the lateness of the request and the lack of any supporting documents to show that the respondent had sought legal advice the Tribunal determined not to postpone the cmd. On the morning of the cmd the Tribunal administration emailed the respondent stating:

Your application for a postponement has not been granted. The case management discussion will proceed at 10am and you should join the teleconference at that time. You will have an opportunity to make submissions regarding legal representation at the discussion .

Case management discussion (“cmd”) – teleconference – 30 July 2025

7. The applicant was represented by Mr Ferry, solicitor, Wallace Hodge solicitors. The respondent was not present or represented. The Tribunal clerk attempted to telephone Mr Park shortly after 10am on a mobile number provided by him to the Tribunal to ask him to join the call. Mr Park did not answer the call. A voice mail message was left reminding Mr Park to join the cmd. The Tribunal was satisfied that the respondent had received proper notice of the cmd and proceeded with the cmd in his absence in terms of rule 29.
8. Prior to the cmd the applicant had lodged an updated rent account showing that arrears had increased to £2894.84 by July 2025. Mr Ferry sought an order for payment in the restricted sum of £1843.94 the amount stated in the application as the updated rent account had not been intimated in compliance with rule 14A.

Findings in fact and law

9. The respondent entered into a tenancy agreement with the applicant's letting agents, Secure Letting with a commencement date of 14 January 2019.
10. The applicant has transferred agency for the property to Lomond Property since December 2024.
11. Initial monthly rent due in terms of the agreement was £350. The current monthly rent is £360.50..
12. Arrears as at 15 January 2025 amounted to £1843.94
13. Arrears as at July 2025 have increased to £2894.84.

Reasons for the decision

14. Rule 17 (4) states:

The First-tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision.

15. Rule 18 states:

Power to determine the proceedings without a hearing

18.—(1) *Subject to paragraph (2), the First-tier Tribunal—*

(a) may make a decision without a hearing if the First-tier Tribunal considers that—

(i) having regard to such facts as are not disputed by the parties, it is able to make sufficient findings to determine the case; and

(ii) to do so will not be contrary to the interests of the parties; and

(b) must make a decision without a hearing where the decision relates to—

(i) correcting; or

(ii) reviewing on a point of law,

a decision made by the First-tier Tribunal.

(2) Before making a decision under paragraph (1), the First-tier Tribunal must consider any written representations submitted by the parties.

16. The Tribunal was satisfied that it was able to make a determination and that it was not contrary to parties' interests to do so at the cmd without the need for a further hearing.
17. The Tribunal had regard to the application and the documents lodged by the applicant. The Tribunal also took into account emails submitted by the applicant that that contained correspondence between the parties after the application

had been submitted. The Tribunal also took into email correspondence received from the respondent and Mr Ferry's submissions at the cmd.

18. The Tribunal accepted the accuracy of the rent accounts that had been submitted which showed that arrears had increased to £2894.84 since the application was submitted. The Tribunal was satisfied that the restricted sum sought was lawfully due at the date of the cmd..

19. The Tribunal took into account that the respondent had not attended the cmd to set forward their position on the application or otherwise oppose an order being granted.

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.

Mary-Claire Kelly

Legal Member/Chair

30 July 2025
Date