



**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/24/4798

**Re: Property at 17 Haulkerton Crescent, Laurencekirk, AB30 1FB (“the
Property”)**

Parties:

**Mrs Susan Barrie, Glensaugh Lodge, Fettercairn, Laurencekirk, AB30 1HB
 (“the Applicant”)**

**Mr Raymond Adams, 17 Haulkerton Crescent, Laurencekirk, AB30 1FB (“the
Respondent”)**

**Tribunal Members: Ruth O’Hare, Legal Member, and Elizabeth Dickson,
Ordinary Member**

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment in the sum of Five thousand nine hundred and twenty two pounds and nineteen pence (£5922.19) Sterling against the Respondent.

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 to recover unpaid rent from the Respondent. The application was conjoined with an application under Rule 111 of the Rules for an eviction order under reference FTS/HPC/EV/25/4783, as the applications related to the same parties and same tenancy.

- 2 The application was referred to a case management discussion ("CMD") to take place by teleconference on 22 July 2025 at 2pm. The Tribunal gave notice of the CMD to the parties. Said notice was served upon the Respondent by sheriff officers on 16 April 2025.
- 3 Both parties were invited to make written representations. On 4 July 2025 the Tribunal received an email from the Applicant requesting an update to the sum claimed. The Applicant provided a rent statement in support of this, together with proof of intimation upon the Respondent by email.
- 4 No written representations were received from the Respondent.

The CMD

- 5 The CMD took place on 22 July 2025 by teleconference at 2pm. The Applicant joined the call. The Respondent did not. The Tribunal noted that he had been given notice of the CMD in accordance with Rule 17(2) of the Rules. The Tribunal therefore delayed the start time of the CMD for a short period before determining to proceed in his absence.
- 6 The Tribunal had the following documents before it:-
 - (i) Form F application form;
 - (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) Rent statements; and
 - (vi) Copy correspondence from the Applicant to the Respondent in accordance with the rent arrears pre-action protocol.
- 7 The Tribunal proceeded to hear submissions from the Applicant on the application. For the avoidance of doubt the following is a summary of the key elements of the submissions and not a verbatim account.
- 8 The Applicant explained that the Respondent was in rent arrears. When the application was submitted to the Tribunal the arrears stood at £2364. They had since increased to £6722. The Respondent had stopped paying completely in April 2025. When the tenancy commenced he advised the Applicant that he was training to be an accountant, and that he had funds from the sale of a property that he would be relying upon. The Applicant confirmed that she was seeking an order for payment in the increased sum of £5922.19, which reflected the rent statement submitted to the Tribunal on 4 July 2025.
- 9 The Tribunal adjourned the CMD, at which point the Applicant left the call, before resuming the discussion and confirming the outcome.

Findings in fact

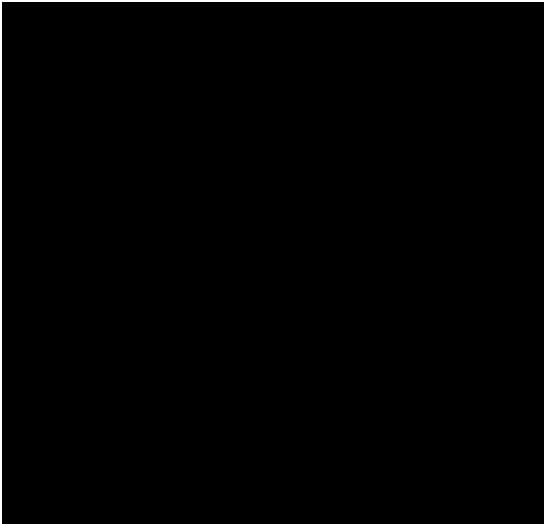
- 10 The Applicant is the landlord, and the Respondent is the tenant, of the property in terms of a private residential tenancy agreement which commenced on 9 January 2018.
- 11 In terms of clause 7 of the said tenancy agreement the Respondent undertook to pay rent of £795 per calendar month. The rent was increased to £800 per calendar month on 9 July 2024.
- 12 The Respondent has failed to pay rent as agreed. The Respondent's payments to the rent account have been sporadic and inconsistent.
- 13 As at 4 July 2025 rent arrears in the sum of £5922.19 have accrued.
- 14 Despite repeated requests the Respondent has refused or delayed in making payment of the sum due.

Reasons for decision

- 15 The Tribunal was satisfied that it could make relevant findings in fact to reach a decision on the application following the CMD and in the absence of a hearing in terms of rule 18 of the Rules. The Respondent had not sought to challenge the terms of the application, and had not put forward anything to contradict the Applicant's evidence, which the Tribunal accepted as fact.
- 16 The Applicant sought to increase the sum claimed to £5922.19, which was evidenced by an updated rent statement. The Tribunal noted that this request had been made timeously in accordance with Rule 14A of the Rules, and intimated upon the Respondent. The Tribunal therefore allowed the sum to be increased to £5922.19.
- 17 Thereafter, based on the documentary evidence before it, the Tribunal was satisfied that the Respondent had failed to pay rent as agreed between the parties, resulting in arrears of £5922.19 as at 4 July 2025. The Tribunal therefore determined to make an order for payment in that sum.
- 18 The decision of the Tribunal was unanimous.

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