



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)  
Act 1988**

**Chamber Ref: FTS/HPC/CV/25/0236**

**Re: Property at 21 Whinbank, Ladywell, Livingston, EH54 6HJ (“the Property”)**

**Parties:**

**Mr Allan Whiteford, 67 Foxknowe Place, Eliburn, Livingston, EH54 6TX (“the Applicant”)**

**Ms Helen Pirie, 4 Margaret Avenue, Bathgate, EH48 1SP (“the Respondent”)**

**Tribunal Members:**

**Ruth O'Hare (Legal 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 Seven thousand one hundred and sixty six pounds (£7166) Sterling.

**Background**

- 1 This is an application for a payment order under Rule 70 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 and section 16 of the Housing (Scotland) Act 1988. The Applicant sought an order in respect of unpaid rent.
- 2 The application was referred to a case management discussion (“CMD”) to take place by teleconference on 12 August 2025. 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 Respondent by sheriff officers on 27 June 2025.
- 3 Both parties were invited to make written representations. No written representations were received from either party.

## **The CMD**

- 4 The CMD took place on 12 August 2025 by teleconference. The Applicant joined the call and was accompanied by his wife. The Respondent did not join the call. The Tribunal delayed the start time of the CMD for a short period before determining to proceed in her absence, noting that she had received proper notice under Rule 17(2) of the Rules.
- 5 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) Short assured tenancy agreement between the parties and AT5;
  - (v) Rent statement;
  - (vi) Bank statements; and
  - (vii) Rent increase notice.
- 6 The Tribunal heard submissions from the Applicant on the application. The following is a summary of the key elements of the submissions and does not constitute a verbatim account.
- 7 The Applicant sought a payment order. The Tribunal had granted an eviction order in respect of the tenancy on 11 March 2025. The Respondent then vacated the property on 16 March 2025. The arrears as at the date of termination of the tenancy were £7166. The Applicant had attempted to contact the Respondent to arrange repayment plans but she had not responded.

## **Findings in fact**

- 8 The Applicant is the owner and landlord, and the Respondent was the tenant, of the property under a short assured tenancy agreement.
- 9 The tenancy between the parties terminated on 16 March 2025 after the Tribunal issued an eviction order.
- 10 The rent payable under the terms of the tenancy agreement was £525 per month. The rent was increased to £580 per month on 17 September 2019.
- 11 As at the date of termination of the tenancy, rent arrears of £7166 were outstanding.
- 12 Despite requests the Respondent has refused or delayed in making payment of the sum due.

## **Reasons for decision**

- 13 The Tribunal was satisfied it had sufficient information to make relevant findings in fact in order to reach a decision on the application under Rules 17 and 18 of the Rules in the absence of a hearing. The Respondent had not sought to put forward any information to contradict the Applicant's evidence, and had not participated in the proceedings.
- 14 Based on its findings in fact the Tribunal was satisfied that the Respondent had a contractual obligation to pay rent to the Applicant and had failed to do so, resulting in arrears of £7166. The Tribunal therefore concluded that she was liable to pay the sum of £7166 to the Applicant and determined to make an order for payment in those terms.

## **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**

**12 August 2025**

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**Legal Member/Chair**

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**Date**