



**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/24/5591**

**Re: Property at Flat 3/1, 425 Hamilton Road, Uddingston, G71 7SG (“the Property”)**

**Parties:**

**Mr Stephen Broadley, 6 Railway Road, Airdrie, ML6 9AB (“the Applicant”)**

**Mr Daniel McKay, Flat 3/1, 425 Hamilton Road, Uddingston, G71 5DF (“the Respondent”)**

**Tribunal Members: Ruth O’Hare, Legal Member, and Ahsan Khan, 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 Seven thousand two hundred pounds (£7200) Sterling against the Respondent in favour of the Applicant.

**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 an order for payment in the sum of £2400 in respect of unpaid rent.
- 2 The application was referred to a case management discussion (“CMD”) to take place by teleconference on 17 June 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 9 May 2025. Both parties were invited to make written representations. No written representations were received in advance of the CMD.

## **The CMD**

- 3 The CMD took place on 17 June 2025 at 10am by teleconference. Mrs Marilyn Kent represented the Applicant. 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 his absence, noting that he had received proper notice of the CMD under Rule 17(2) of the Rules. Mrs Kent was also able to confirm that the Respondent had stated to her that he did not intend to join the CMD. The Tribunal was therefore satisfied that he was aware of the proceedings.
- 4 The Tribunal had the following information before it:-
  - (i) Form F application form dated 21 February 2025;
  - (ii) Title sheet LAN174492 confirming the Applicant as the registered owner of the property;
  - (iii) Excerpt from the online landlord register confirming the Applicant's landlord registration;
  - (iv) Private residential tenancy agreement between the parties dated 28 December 2023;
  - (v) Rent statement; and
  - (vi) Copy correspondence from the Applicant to the Respondent regarding rent arrears.
- 5 The Tribunal heard submissions from Mrs Kent on the application. She confirmed that the Applicant wished to seek an order in the sum of £7200, which reflected the current arrears outstanding. The Tribunal explained that the procedure for increasing the sum claimed was contained within Rule 14A of the Rules. This required an application to increase the sum to be made at least 14 days prior to the CMD, and intimated to the Respondent in order to provide him with proper notice. On that basis, the Tribunal would be restricted to the sum stated in the application if it were to make an order following the CMD.
- 6 The Tribunal asked if the Applicant wished the opportunity to submit a request for amendment under Rule 14A, in which case the CMD could be adjourned. Mrs Kent confirmed that this would be the Applicant's preference.

## **Further procedure**

- 7 The Tribunal adjourned the CMD and issued a Direction to the parties in the following terms:-

*"The Applicant is required to provide:*

1. *A request for amendment of the sum claimed under Rule 14A of the Rules. The request should be sent to the Respondent at the time of submission to the Tribunal, and be accompanied by an updated rent statement.*

*The said documentation should be lodged with the Chamber no later than close*

*of business on 18 July 2025.*

*The Respondent is required to provide:-*

2. *A written response to the Applicant's request for amendment.*

*The said documentation should be lodged with the Chamber no later than close of business on 8 August 2025."*

- 8 The Direction further advised the Respondent that should he fail to provide any satisfactory response, the Tribunal may grant a payment order at the sum sought by the Applicant without further procedure based on the written representations. The Respondent was encouraged to seek legal advice if he did not understand what was required of him.
- 9 On 23 June 2025 the Tribunal received an application from the Applicant under Rule 14A of the Rules to increase the sum claimed to £7200. The Applicant provided an updated rent statement in support of his request. The application to increase the sum claimed was intimated to the Respondent.
- 10 No response to the Direction was received from the Respondent.

### **Findings in fact**

- 11 The Applicant is the owner and landlord, and the Respondent was the tenant, of the property in terms of a private residential tenancy agreement.
- 12 The rent due under the terms of the tenancy agreement was £800 per month.
- 13 The Respondent failed to pay rent as agreed. The Respondent accrued arrears of rent in the sum of £7200.
- 14 The Respondent is liable to pay the sum of £7200 to the Applicant under the terms of the tenancy agreement between the parties.

### **Reasons for decision**

- 15 The Tribunal was satisfied that it could proceed to a decision in the absence of a hearing under Rule 18 of the Rules. The Respondent had been clearly advised that the Tribunal could make a decision based on written representations if he did not provide a response to the Direction, and the Respondent had not sought to put forward any contradictory evidence to counter the information provided by the Applicant.
- 16 The Tribunal was therefore satisfied that the Respondent had a contractual obligation to pay rent in accordance with the terms of the tenancy agreement between the parties, and had failed to do so, resulting in rent arrears of £7200. The Tribunal therefore concluded that the Respondent was liable to pay the Applicant the sum of £7200 and determined to make an order 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

**15 August 2025**

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**Legal Member/Chair**

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**Date**