



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Regulations”)

Chamber Ref: FTS/HPC/CV/24/3009

Re: Property at 15 Pladda Crescent, Irvine, North Ayrshire, KA11 1DP (“the Property”)

Parties:

Mr Steven Easton, 2 Newfield Drive, Dundonald, South Ayrshire, KA2 9EW (“the Applicant”)

Ms Hannah Glass, 15 Pladda Crescent, Irvine, North Ayrshire, KA11 1DP (“the Respondent”)

Tribunal Members:

Nicola Weir (Legal Member) and Elaine Munroe (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the Respondent in the sum of £5,802.90 should be made in favour of the Applicant.

Background

1. By application received on 2 July 2024, the Applicant applied to the Tribunal for an order for payment of rent arrears of £5,405.77 against the Respondent. Supporting documentation was submitted in respect of the application, including a rent Statement showing the arrears situation throughout the tenancy. An application for recovery of possession of the property in terms of Grounds 12A (substantial rent arrears equivalent to 6 months’ worth of rent) of Schedule 3 to the 2016 Act was submitted at the same time and was conjoined with this application. Both applications proceeded together through the Tribunal process.

2. Following initial procedure, on 24 July 2024, a Legal Member of the Tribunal with delegated powers from the Chamber President issued a Notice of Acceptance of Application in terms of Rule 9 of the Regulations.
3. A Case Management Discussion ("CMD") was fixed for 29 November 2024. The application and details of the CMD scheduled were served on the Respondent by Sheriff Officer on 23 October 2024. In terms of said notification, the Respondent was given an opportunity to lodge written representations, which she did on 7 November 2024, alleging some repair issues in respect of the Property.
4. A CMD took place on 29 November 2024, at which the Applicant was represented and the Respondent attended in person. This took place before different Tribunal Members. The Respondent sought a postponement of the CMD on the basis that she had given birth just a few days before and needed time to prepare. The Applicant did not oppose this request and the CMD was adjourned to a later date. The Tribunal also issued a Direction requiring further information to be lodged by the Respondent confirming her position and in respect of the alleged repairs issues. There was no response lodged to the Direction.
5. The adjourned CMD took place on 2 May 2025. The Applicant was again represented but the Respondent did not attend. This CMD also took place in front of different Tribunal Members. Following the CMD, the Tribunal granted the Orders sought by the Applicant in both applications. These decisions were notified to parties.
6. On 6 May 2025, the Respondent emailed the Tribunal, requesting a recall or appeal. advising that she had not been notified in writing of the outcome of the first CMD on 29 November 2024, nor the details of the adjourned CMD on 2 May 2025 and that this was why she had not been in attendance. On investigation, it appeared that notifications to the Respondent had been sent by the Tribunal, in error, to the Respondent's old email address. On this basis, on 6 May 2025, the Tribunal granted Recalls in respect of both orders which had been granted on 2 May 2025 and an Evidential Hearing was thereafter scheduled to take as soon as possible thereafter, to take place before different Tribunal Members. On 6 May 2025, the original Tribunal re-issued a Direction to the Respondent, in the same terms as previously.
7. On 15 May 2025, in response to the Direction, the Respondent lodged detailed written representations, outlining her position in respect of the applications and some documentation and photographs in respect of the repair issues which had previously affected the Property, but which she advised had subsequently been repaired. She also explained the position regarding her receipt of state benefits and the payments being made to the rent account every month, her personal/family circumstances and her housing situation. She indicated that she was not now opposing eviction but was seeking an extension of time in order to secure alternative housing through the local authority and to enable her to vacate the Property.

8. On 2 June 2025, CHAP emailed the Tribunal, confirming that they were representing the Respondent, enclosing a mandate in this regard and requesting a copy of the case papers.
9. On 29 July 2025, an updated rent statement was lodged on behalf of the Applicant, seeking to increase the sum claimed in the payment application to £5,802.90, being the increased balance now owing in rent arrears.

Evidential Hearing

10. The hearing took place by telephone conference call on 11 August 2025. In attendance was Miss Barclay, Property Manager for Easton Housing Limited on behalf of the Applicant who was accompanied by another person from that company, who was attending in the capacity as an observer only and did not participate in the hearing. The Respondent, Ms Hannah Glass, was also in attendance and was represented by Mr Alister Meek of CHAP.
11. Following introductions and introductory remarks by the Legal Member, Miss Barclay confirmed that the amount owing in respect of the most recent rent statement lodged was £5,802.90, although there has since been a further months' rent applied and the current balance will therefore be slightly higher.
12. Mr Meek confirmed that neither application was now opposed by the Respondent, Miss Glass. It was accepted that the sum of £5,802.90 was owing in respect of the current arrears. No other detail was provided and 'time to pay' was not sought.
13. The Tribunal Members conferred and, having considered the application, confirmed that a payment order in the agreed sum would therefore be granted. Parties were thanked for their attendance and the hearing concluded.

Findings in Fact

1. The Applicant is the owner and landlord of the Property.
2. The Respondent is the tenant of the Property by virtue of a Private Residential Tenancy which commenced on 5 May 2020.
3. The rent due in respect of the tenancy was originally £500 per calendar month but has been increased during the tenancy to the current rental of £520.
4. There was a background of rent arrears throughout the tenancy which appeared to be due to a shortfall every month in the rental payments being made, which are sourced from the Respondent's state benefits.

5. Arrears amounted to £5,405.77 when this application was lodged, £5,802.90 at the end of July 2025 and will now exceed that figure.
6. The Applicant's letting agents have sought to engage with the Respondent concerning the rent arrears and issued communications to her in respect of the 'pre-action protocol' in the eviction application.
7. The Respondent has been maintaining rent payments, subject to a shortfall every month, but has been unable to resolve the rent arrears situation.
8. The Respondent has remained in occupation of the Property.
9. The Respondent has been called upon to make payment of the rental arrears or enter into a satisfactory payment arrangement but has failed to do so.
10. The Respondent admitted the rent arrears and no longer opposes the application.
11. The sum of £5,802.90 is due and resting owing to the Applicant by the Respondent in respect of unpaid rent arising from this tenancy.

Reasons for Decision

1. The Tribunal gave careful consideration to all of the background papers including the application and supporting documentation, the procedural background to the application, the written representations lodged by both parties throughout the proceedings, the updated rent statement lodged by the Applicant and to the oral representations at the CMD by Mr Barclay on behalf of the Applicant and by Mr Meek on behalf of the Respondent.
2. The Tribunal found that the application was in order, that the original sum sought in respect of rent arrears had been properly increased on behalf of the Applicant to £5,802.90 and was owing by the Respondent.
3. The Tribunal had no material before it to contradict the Applicant's position nor advance any arguments on behalf of the Respondent in respect to the repairs issues affecting the Property that she had previously alleged. The Respondent admitted the arrears were due and did not wish to oppose the application. The Tribunal accordingly determined that an order for payment in the amount sought could properly be granted at the hearing and that there was no need for an adjournment to a further hearing.

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.

Legal Member: Nicola Weir

Date: 11 August 2025