



**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/24/5782

**Re: Property at 15 Menzies Avenue, Cumnock, Ayrshire, KA18 3DD (“the
Property”)**

Parties:

**Mr Paul Mcanally, 15 Douglas Brown Avenue, Ochiltree, KA18 2PP (“the
Applicant”)**

**Ms Laura McLatchie, 15 Menzies Avenue, Cumnock, Ayrshire, KA18 3DD (“the
Respondent”)**

Tribunal Members:

Ruth O'Hare (Legal Member) and Helen Barclay (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 Three thousand seven hundred and forty pounds and twenty pence (£3740.20) Sterling.

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”). The Applicant sought to recover unpaid rent from the Respondent. The application was conjoined with an application for an eviction order under reference FTS/HPC/EV/24/5781 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 14 July 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 16 April 2025.

- 3 The Tribunal invited both parties to make written representations. On 25 June 2025 the Applicant's representative, Wallace Hodge Solicitors, submitted an updated rent statement. On 26 June 2025, the Applicant's representative submitted a request to increase the sum claimed to £3740.20 under Rule 14A of the Rules.
- 4 No written representations were received from the Respondent.

The CMD

- 5 The CMD took place on 14 July 2025 at 10am by teleconference. Mr Stephen Ferry of Wallace Hodge Solicitors represented the Applicant. The Respondent did not join the call. Mr Ferry advised that the Applicant had last spoken with her on 1 July 2025. She had confirmed her awareness of the CMD but did not indicate her intentions regarding the matter. The Tribunal noted that she had been given proper notice of the CMD under 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 her 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) The Applicant's request to increase the sum claimed under Rule 14A of the Rules.
- 7 The Tribunal explained the purpose of the CMD and proceeded to hear submissions from Mr Ferry on the application. The following is a summary of the key elements of the submissions and does not constitute a verbatim account.
- 8 Mr Ferry confirmed that the Applicant sought a payment order in the sum of £3740.20. He made reference to the updated rent statement. The tenancy had commenced on 21 September 2023. The Respondent had failed to pay rent consistently over the term of the tenancy. She had repeatedly promised to address the rent arrears but had failed to do so.
- 9 The Tribunal adjourned the CMD to deliberate, at which point Mr Ferry left the call, before resuming the discussion and confirming its decision.

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 21 September 2023.

- 11 In terms of Clause 8 of the tenancy agreement the Respondent undertook to pay rent at the rate of £595 per calendar month in advance.
- 12 The Respondent has failed to pay rent as agreed. As at the date of this decision rent arrears of £3,740.20 have accrued. No rent has been paid by the Respondent since 13 April 2025.
- 13 The Respondent is due to pay the sum of £3740.20 to the Applicant under the terms of the tenancy agreement between the parties.

Reasons for decision

- 14 The Tribunal took into account the application and supporting documentation, written representations, and the submissions from Mr Ferry at the CMD, and considered it could make relevant findings in fact in order to reach a decision on the application. The Respondent had not sought to challenge the information presented by the Applicant and there were therefore no issues to be resolved that would require a hearing to be fixed.
- 15 The Tribunal was satisfied that the request to increase the sum claimed had been made timeously in accordance with Rule 14A of the Rules. The Tribunal was further satisfied the Respondent had failed to pay rent in accordance with her contractual obligations under the tenancy agreement between the parties, resulting in arrears of £3740.20. There was no contradictory evidence before the Tribunal.
- 16 The Tribunal therefore made an order for payment in the sum of £3740.20.
- 17 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.

R O'Hare

14 July 2025

Legal Member/Chair

Date