



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/24/5233

Re: Property at 12 Dalriach Court, Dalriach Road, Oban, PA34 5EH (“the Property”)

Parties:

Mr Ian Close, Northbay House, Ganavan Road, Oban, PA34 5TU (“the Applicant”)

Mr Glenn Brookes, 12 Dalriach Court, Dalriach Road, Oban, PA34 5EH (“the Respondent”)

Tribunal Members:

Nicola Weir (Legal Member)

Decision (in absence of the Respondent)

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 £10,329.02 should be made in favour of the Applicant.

Background

1. By application received on 13 November 2024, the Applicant applied to the Tribunal for an order for payment of £5,000 plus interest against the Respondent in respect of rent arrears. Supporting documentation was submitted in respect of the application, including a copy of the tenancy agreement and a rent statement.
2. Following initial procedure, on 9 December 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 20 May 2025. The Respondent did not submit any written representations, nor attend the CMD. At the CMD, the previous Tribunal granted an Order against the Respondent in respect of rent arrears in the increased sum of £9,200 plus interest thereon at the rate of 4% from the date of the Order.
4. On 30 May 2025, the Respondent applied for Recall of the Order, to which the Applicant objected, but, following further procedure, the Tribunal decided to recall the Order. The Tribunal’s Decision in that regard dated 8 July 2025 was issued to both parties by email on 10 July 2025. Paragraphs 19 and 20 of the Decision stated as follows:-

“19. The Tribunal wishes to make clear to the Respondent, however, that if he intends to dispute the claim at any future CMD or hearing, he will need to produce evidence as to why he believes that he is not due to pay some or all of the money claimed to the Applicant. The Respondent may wish to seek advice from the citizens’ advice bureau, a solicitor, law clinic or other advice agency on the matter as soon as possible.

*20. A date for a new CMD will be arranged as soon as is practicable. **The Tribunal directs the Respondent to submit written representations setting out his reasons for opposing the application, together with any supporting evidence, at least 14 days prior to that CMD once a date has been fixed.** The Tribunal also reminds the Respondent that a party may apply for recall in the same proceedings on one occasion only”.*
5. On 13 August 2025, parties were both advised by email of the date, time and other arrangements for the further CMD scheduled to take place on 5 September 2025 at 11.30am.
6. On 25 August 2025, an application to further increase the sum sought in the application to £10,329.02 was submitted on behalf of the Applicant, together with an updated rent statement.
7. No representations were lodged by the Respondent in advance of the CMD.

Case Management Discussion

8. The CMD took place by telephone conference call on 5 September 2025 at 11.30am. In attendance was Mr Aaron Doran of Raeburn Christie Clark & Wallace, Solicitors on behalf of the Applicant. The Tribunal delayed commencement of the CMD for 5 minutes to give the Respondent an opportunity to join late but he did not do so.
9. Following introductions and introductory remarks by the Legal Member, Mr Doran addressed the Tribunal on the application and background circumstances. He confirmed that there had been no direct contact from the

Respondent who had been evicted from the Property on 30 July 2025. When Sheriff Officers attended at the Property to execute the eviction, the Property was found to be in a bit of a mess. The Respondent had left a note in the Property, stating that the tenancy deposit could be used to cover remedial works required to the Property. Mr Doran confirmed that the tenancy deposit has not yet been recovered by the Applicant but that there will not be any of the deposit of £700 left over to be put towards rent arrears, due to the extent of what is needing done to the Property. Mr Doran confirmed that no rent had been paid by the Respondent since July 2024, although it was understood that the Respondent was in employment. Reference was made to the request to increase the amount claimed in the application to £10,329.02 which Mr Doran confirmed was the amount owing in rent arrears as at the date of eviction, 30 July 2025. It was noted that an updated rent statement had been lodged with the request for the increase and that this showed the balance owing as £10,329.02. Mr Doran requested that the Tribunal grant the request to increase the sum claimed and reiterated the reason his request on behalf of the Applicant had been lodged slightly late. This was due to the CMD notification having been received whilst he was on holiday. It was noted, however, that the Respondent had been copied directly into Mr Doran's email to the Tribunal when it was submitted on 25 August 2025. The Legal Member confirmed that, in the circumstances, she was prepared to grant the request to increase the sum claimed. Mr Doran confirmed that no further payments had been made by the Respondent and accordingly, requested that the Tribunal grant a payment order in the increased sum of £10,329.02, together with interest thereon at the rate determined appropriate by the Tribunal.

10. Having considered the application and the oral representations made by Mr Doran today, the Legal Member confirmed an order in the sum sought would be granted, together with interest thereon at the rate of 4% per annum, applicable from the date of the order. There was brief discussion regarding the procedures to follow. It was noted that Mr Doran does not yet have a forwarding address for the Respondent but it was confirmed that the Tribunal would be able to issue the documentation to the respondent by email, as his email address had been provided to the Tribunal in respect of the Recall procedures. Mr Doran was thanked for his attendance and the CMD was 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 11 February 2022 and ended when the Respondent was evicted from the Property on 30 July 2025.
3. The rent due in respect of the tenancy was £700 per calendar month.
4. There was a background of erratic payments and rent arrears accruing, before rent payments stopped altogether in July 2024.

5. The last payment made towards rent during July 2024 amounted to £700.
6. No payments have since been made and arrears have been accruing steadily since then.
7. When the Respondent was evicted from the Property on 30 July 2025, arrears amounted to £10,329.02.
8. 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.
9. The Respondent did not lodge any written representations with the Tribunal in respect of the merits of the payment application, nor sought time to pay, nor attended the CMD.

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 and to the oral representations at the CMD by the Applicant's solicitor.
2. The Tribunal found that the application was in order and that the sum of £10,329.02 was owing by the Respondent in respect of rent arrears, in terms of this application. The sum sought had been increased by way of a request to increase the sum sought made on behalf of the Applicant, in terms of Rule 14A of the Regulations. Although the request had been lodged 11 days before the CMD, rather than at least 14 days prior to the CMD, as required by Rule 14A, the Tribunal was satisfied that the Applicant's solicitor had provided a reasonable explanation for this and had also copied the request directly to the Respondent when submitting same to the Tribunal. The Tribunal considered that the Respondent had been given sufficient time to object to the increase prior to the CMD and had not done so. Accordingly, the Tribunal consented to the amendment, in terms of Rule 14A.
3. The Tribunal had regard to the terms of the tenancy agreement and the Rent Statements produced and were satisfied that the increased amount sought, with reference to the most up to date Rent Statement, was correct and showed the balance owing as at the date of eviction (30 July 2025).
4. The Tribunal had no material before it to contradict the Applicant's position nor advance any arguments on behalf of the Respondent in respect of the sum claimed, nor to request time to pay. The Respondent's only engagement with the Tribunal had been in respect of his application for Recall of the payment order previously granted against him in this application on 20 May 2025. The previous Tribunal had specifically directed the Respondent, when granting the Recall, that he must lodge any representations opposing the payment application at least 14 days prior to the CMD, the details of which were properly

and timeously notified to him by email on 13 August 2025. The Respondent had not lodged any such representations prior to the CMD and nor did he attend the CMD. The Tribunal was accordingly satisfied that the sum of £10,329.02 was due to the Applicant in unpaid rent and had not been paid by the Respondent. The Tribunal also determined that an order for payment in the amount sought could properly be granted at the CMD and that there was no need for an adjournment to a further hearing. The Tribunal, having considered the Applicant's request for interest to be added to the sum sought, determined that, given current bank base rates, interest at the rate of 4% should apply from the date of the order.

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.

Nicola Weir

Legal Member/Chair

5 September 2025
Date