



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies)(Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/24/4967**

**Re: Property at 19 Drimnin Road, Stepps, G33 6AT (“the Property”)**

**Parties:**

**Mr Liam Coyle, 10 Clossfoot Place, Moodiesburn, G69 0NF (“the Applicant”)**

**Mr Thomas Melville, 19 Drimnin Road, Stepps, G33 6AT (“the Respondent”)**

**Tribunal Members:**

**Mary-Claire Kelly (Legal Member) and Gerard Darroch (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for payment in the sum of THREE THOUSAND SIX HUNDRED POUNDS (£3600)**

**Background**

1. By application dated 29 October 2024 the applicant seeks an order for payment in respect of rent arrears. The application was conjoined with application reference FTS/HPC/EV/24/4966 in terms of which the applicant seeks an order for eviction relying on ground 12 (rent arrears for three or more consecutive months) in Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. The applicant lodged the following documents with the application:
  - Copy tenancy agreement
  - Rent statement from January 2023
  - Email correspondence with the respondent.

3. By email dated 14 July 2025 the applicant submitted an updated rent statement. A further rent statement was submitted on 7 August 2025.
4. On 8 July 2025 the respondent emailed written representations to the Tribunal.

#### **Case management discussion – “cmd” 0 11 August 2025**

5. A case management discussion (“cmd”) took place via teleconference on 11 August 2025. The applicant was represented by Ms Miller, Property Manager, Coda Estates. The respondent did not attend the cmd. The Tribunal clerk attempted to telephone the respondent on the morning of the cmd on the telephone number provided in the application form however the call was unsuccessful. The Tribunal was satisfied that the respondent had received proper notice of the cmd in terms of rule 24.1 and proceeded with the cmd in his absence in terms of rule 29.
6. Ms Miller sought an order for payment in respect of the outstanding arrears. The Tribunal discussed that the most recent rent statement had not been notified to the respondent in terms of rule 14A. The Tribunal considered that the email submitted on 14 July 2025 functioned to amend the sum sued for in terms of rule 14A to £3600.
7. The Tribunal considered the email submissions received from the respondent. The respondent did not dispute the arrears figure and sought to make a proposal regarding payment of the arrears however no specific offer was made. The respondent did not attend the cmd to put forward any proposal or to request a time to pay direction.

#### **Findings in fact and law**

8. Parties entered into a tenancy agreement with a commencement date of 10 September 2022.
9. Monthly rent due in terms of the agreement was £595.
10. Monthly rent increased to £695 from April 2024 following service of a valid rent increase notice.
11. Arrears as at 14 July 2025 amounted to £3600.
12. The respondent has been in arrears of rent continuously since November 2023.
13. The respondent did not lodge written submissions disputing liability for the arrears and did not attend the cmd on 11 August 2025.

### **Reasons for the decision**

14. The Tribunal had regard to the application and the documents lodged by the applicant.
15. The Tribunal took into account that the respondent had not lodged any defence to the application or disputed the sum sought.
16. The Tribunal was satisfied that the request to amend the sum sued for to £3600 had been made in compliance with rule 14A and allowed the requested amendment.
17. The Tribunal accepted the rent accounts and tenancy documents that had been submitted as evidence that the respondent was in arrears to the extent of £3600 as at 14 July 2025.

### **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/Chair**

**Date: 11 August 2025**