

Housing and Property Chamber
First-tier Tribunal for Scotland



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

Chamber Ref: FTS/HPC/CV/25/4669

Property at 149 1/10, Ingram Street, Glasgow, G1 1DW (“the Property”)

Parties:

Mr David Munro, 10 Whitehill Road, Glasgow, G61 4PW (“the Applicant”)

**Mr William Hillhouse, Hannah Bloomfield (SBA), 149 1/10, Ingram Street,
Glasgow, G1 1DW; UNKNOWN, UNKNOWN (“the Respondent”)**

Tribunal Members:

Josephine Bonnar (Legal Member) and Elizabeth Dickson (Ordinary 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 of the sum of £6,700 should be granted against the Respondents in favour of the Applicant.

Background

1. The Applicant seeks a payment order in relation to unpaid rent. A tenancy agreement, rent statement, application for service by advertisement in relation to the Second Respondent and negative trace report from a Sheriff Officer were lodged with the application.
2. A copy of the application was served on the First Respondent by Sheriff Officer. Service on the Second Respondent was initially carried out by advertisement on the Chamber website. However, on 24 July 2025, the Second Respondent sent an email to the Tribunal. A copy of the application paperwork was thereafter served on her by email. The parties were notified that a case management discussion (“CMD”) would take place by telephone conference call on 4 September 2025 at 10am and that they were required to participate.

On the 28 August 2025, the Applicant's representative lodged an updated rent statement. On 3 September 2025, the Applicant's representative submitted a further updated rent statement.

3. The CMD took place on 4 September 2025. The Applicant participated and was represented by Mr Grant. The Respondents did not participate. A related application for an eviction order under Chamber reference EV/25/4670 was also discussed.

Summary of Discussion at CMD

4. The Legal Member noted that, although she had not joined the conference call, Ms Bloomfield had lodged a brief submission in relation to the payment application. This stated that she had moved out of the property ten months ago and had not lived in the property or contributed to the rent since that time. She confirmed that her name is still on the tenancy agreement but said that she had moved back to stay with her parents following the breakdown of her relationship with Mr Hillhouse. She asked that this information be considered. Mr Grant advised the Tribunal that the Applicant still sought a payment order against both Respondents on the basis of joint and several liability for the rent.
5. The Legal Member noted that both updated rent statements had been lodged late in terms of Rule 14A of the Procedure Rules and neither was accompanied by a specific request to amend the sum claimed in the payment application. Mr Grant invited the Tribunal to allow the late statement and to grant a payment order for the sum of £16,600, being the sum owed at 1 September. Mr Grant stated that if the CMD was continued, there would always be a gap between what was owed and what could be ordered by the Tribunal due to the requirement to request amendment at least 14 days in advance.
6. Following discussions about the validity of the Notices to leave which had been submitted with the application, the Legal Member asked Mr Grant to confirm whether the parties had been issued with letters in compliance with the Rent Arrears Pre action protocol. The only relevant document lodged with the application was dated 19 November 2024, was only addressed to Ms Bloomfield and did not appear to fully comply with the requirements of the protocol. Mr Grant told the Tribunal that a similar letter had been issued to Mr Hillhouse with the Notice to leave on 3 September 2024. These were the only letters issued by the representative. Mr Munro said that there had been contact with Mr Hillhouse when the rent account first went into arrears. This was mostly by text message, although Mr Hillhouse kept changing his phone number so there were also visits to the property. However, following an incident about 18 months ago, when Mr Hillhouse was aggressive towards him, he decided to instruct a solicitor and avoid further direct contact. Mr Munro said that he had previously also sent some emails requesting payment.
7. In response to questions from the Tribunal, Mr Munro said that he did not know very much about the tenants. He became aware that Ms Bloomfield had moved out when Mr Hillhouse said that they had separated, but he had mainly dealt with Mr Hillhouse anyway. From social media he has been able to establish that

Mr Hillhouse has a spray-painting business which he operates from the property. Payments to the rent account were always made by Mr Hillhouse himself and Mr Munro is not aware if he has ever claimed or been entitled to benefits. He said that Mr Hillhouse is 38 years of age and that he is not aware of any disabilities. He now lives at the property alone with a dog, although he does not have permission for the dog. When asked about the arrears Mr Hillhouse made various excuses and promises of payment but no payments were received.

8. Mr Munro told the Tribunal that he has one other rental property and has been a landlord for 21 years, although he is considering giving it up. He plans to sell the property when it becomes vacant because of the issues he has experienced with this tenancy. He has a mortgage and factoring charges to pay in relation to the property. He is managing to make these payments despite the lack of rental income, but it is not ideal.

Findings in Fact

9. The Applicant is the owner and landlord of the property.
10. The Respondents are the tenants of the property in terms of a private residential tenancy agreement.
11. The Respondents are due to pay rent at the rate of £900 per month.
12. The Respondents owe the sum of £6700 in unpaid rent.

Reasons for Decision

13. The Tribunal considered the Applicant's request to allow the application to be amended to the sum of £16,600. The Tribunal noted the following: -
 - (a) The emails which accompanied the updated rent statements on 28 August and 3 September 2025 had not been copied to the Respondents and did not specifically state that the Applicant was seeking amendment.
 - (b) The Tribunal issued a copy of the first updated rent statement to the first Respondent by post and the second Respondent by email on 2 September 2025, less than 48 hours before the CMD, and could not be certain that either had received them. The second updated statement had not been sent to the Respondents as it was only received on 3 September 2025 and had not yet been processed by the caseworker.
14. Rule 14A stipulates that a party seeking to amend the sum claimed must make a written request to the Tribunal and intimate it to the other party no later than 14 days before the CMD or hearing. Rule 16A allows the Tribunal to shorten the period for compliance with any rule or order. However, in the circumstances the Tribunal is not persuaded that it would be in the interests of justice to allow

the amendment in the circumstances. The Tribunal notes that the Applicant can make a further application in relation to any additional rent which may have become due since the application was lodged.

15. The Tribunal also considered the Second Respondent's submission and request that her circumstances be taken into account. However, she does not dispute that she is still the joint tenant of the property. As a result, she is still liable for the rent, and the Applicant is entitled to seek a payment order against her.

16. Based on the documents lodged with the application, and the information provided at the CMD, the Tribunal is satisfied that the Respondents owe the sum of £6700 in unpaid rent and that the Applicant is entitled to a payment order for this sum.

Decision

17. The Tribunal determines that a payment order should be granted against the Respondents.

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.

J Bonnar

Josephine Bonnar, Legal Member

5 September 2025