

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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) 2016 Act**

**Chamber Ref: FTS/HPC/CV/24/5414**

**Re: Property at 20 Bogton Road, Forbes, Moray, IV36 1BH (“the Property”)**

**Parties:**

**Ian Stephen, 1 Blackstob Way, Kinloss, Moray, IV36 3UB (“the Applicant”)**

**Tom Hockenhull, 20 Bogton Road, Forbes, Moray, IV36 1BH (“the Respondent”)**

**Tribunal Members:**

**Joel Conn (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 that an Order for payment in the sum of £1,800 be granted against the Respondent.**

- 1) This was an application by the Applicant for civil proceedings in relation to a private residential tenancy in terms of rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the Rules”), namely an order for payment of rent arrears. The tenancy in question was a Private Residential Tenancy (“PRT”) by the Applicant to the Respondent commencing on 9 October 2023.
- 2) The application was dated 17 November 2024 and lodged with the Tribunal on 22 November 2024. The application sought payment of arrears of £1,800. The Tenancy Agreement lodged with the application showed that rent was £600 per month and due on the 9<sup>th</sup> of each month. A rent statement was lodged with the application which (though erroneously listing the debits for monthly rent on the 8<sup>th</sup> of each month) showed that arrears had started to amount on 9 May 2024 and that by 9 November 2024 there were arrears of £1,800 having arisen from partial and missing payments over that period.

- 3) Prior to the case management discussion ("CMD") the Applicant provided an updated rent statement showing arrears of rent of £4,300 outstanding for the period to 8 August 2025.

### **The Hearing**

- 4) The matter called for a CMD of the First-tier Tribunal for Scotland Housing and Property Chamber, conducted by remote telephone conference call, on 15 August 2025 at 10:00. We were addressed by the Applicant. There was no appearance from the Respondent.
- 5) We were informed by the clerk that no contact had been received from the Respondent (or on his behalf) with the Tribunal. The Applicant said that no communication had been received from the Respondent since around early May 2025 when a text message was received promising to bring the arrears up to date, followed by a payment of £600 on 9 May 2025. This was the last date of any payment (a fact was relied upon both in regard to this application and a conjoined case on eviction: EV/24/5413). Further details provided by the Applicant in regard to some of his contact with the Respondent is reviewed below.
- 6) We noted that the Respondent had received clear intimation of the CMD by the Sheriff Officer instructed by the Tribunal. Having not commenced the CMD until around 10:05, we were satisfied to consider the application in the Respondent's absence. In any case, no attempt was made by the Respondent (nor anyone on his behalf) to dial in late to the CMD.
- 7) At the CMD, the Applicant's agent confirmed that the application for an order for payment of rent arrears was still insisted upon. He confirmed he limited the order sought to the £1,800 due as at 17 November 2024, being the arrears due for the period to 8 December 2024.
- 8) The Applicant provided further submissions on the following:
  - a) The monthly rent for the property is £600 to be paid on the 9<sup>th</sup> of every month.
  - b) As at the date of application the Respondent was in rent arrears of £1,800, equivalent to three months of rent, but that he had been in arrears of some amount since 9 May 2024 (so for a period of seven months).
  - c) The payments between 9 May 2024 to 9 May 2025 were sporadic and there had been no payment since £600 on 9 May 2025. From 9 May 2024, the Respondent had frequently paid late, made partial payments, or not paid at all.
  - d) Arrears now stood at £4,900 covering the period to 8 September 2025.
  - e) Around early May 2025, the Respondent texted to say that he had a job, but had not told the Applicant about it earlier in case it did not last. The Respondent said in the text that he planned to make up payment of the arrears.
  - f) Following the text, and in light of no other payments after the £600 on 9 May 2025, the Applicant called the Respondent a few times in early

Summer, but the calls went unanswered. The Applicant stopped trying to call the Respondent.

- 9) No motion was made for interest or expenses.

### **Findings in Fact**

- 10) On 6 October 2023, the Applicant let the Property as a Private Residential Tenancy to the Respondent with commencement on 9 October 2023 ("the Tenancy").
- 11) In terms of clause 7 of the Tenancy Agreement, the Respondent required to pay rent of £600 a month in advance on the 9<sup>th</sup> day of each month
- 12) As of 15 August 2025, the Respondent was in arrears of rent in the amount of £4,900 which is equivalent of over eight months of rent.
- 13) The element of arrears due to 17 November 2024 is £1,800 (being the rent due for the period to 8 December 2024).
- 14) The Respondent does not claim to have paid any amount of the arrears of £4,900 remaining as at 15 August 2025.
- 15) Intimation of the date and time of the CMD was given to the Respondent by Sheriff Officer on 2 July 2025.

### **Reasons for Decision**

- 16) The application was in terms of rule 111, being an order for civil proceedings in relation to a PRT. We were satisfied, on the basis of the application and supporting papers, that rent arrears of £1,800 were due for the period to 8 December 2024 and remained outstanding as of today. (Indeed, we were satisfied that yet further arrears were due as of today.)
- 17) No defence was made by the Respondent to any part of the application. (There was no appearance or defence to the conjoined application for eviction either.)
- 18) The application, supplemented by the updated rent arrears information provided at the CMD, clearly set out the sums sought and we were satisfied that the necessary level of evidence for these civil proceedings had been provided for the sum sought and the interest rate sought.
- 19) The Rules allow at rule 17(4) for a decision to be made at CMD as at a hearing before a full panel of the Tribunal. We were thus satisfied to make a decision at the CMD to award the sum of £1,800 against the Respondent. This is an order restricted to sums due under the Tenancy to the Applicant in regard to rent arrears up to 8 December 2024 only.

## **Decision**

20) In all the circumstances, we were satisfied to make the decision to grant an order against the Respondent for payment of £1,800.

## **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 Conn

**15 August 2025**

**Legal Member/Chair**

**Date**