

**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 16 of the Housing (Scotland) Act 2014 (“the 2014 Act”) and Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Rules”)**

**Chamber Ref: FTS/HPC/CV/25/0624**

**Re: Property at First floor left, 58 Menzies Road, Aberdeen, AB11 9BH (the Property)**

**Parties:**

**Ms Rebecca Wallwork, 24 Dunston Street, Ely, CB6 3AQ (the Applicant)**

**Stewart Property Services Limited, 164 Skene Street, Aberdeen, AB10 1PE (the Applicant’s Representative)**

**Miss Lauren Gardiner, First floor left, 58 Menzies Road, Aberdeen, AB11 9BH (the Respondent)**

**Tribunal Members:**

**Ms. Susanne L. M. Tanner KC (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent should pay the Applicant the sum of TWO THOUSAND SIX HUNDRED AND EIGHTY POUNDS (£2680.00) STERLING; and made an Order for Payment in respect of the said sum.**

## **Reasons**

### **Procedural Background**

1. On 13 February 2025, the Applicant's Representative made an application to the tribunal in terms of Section 16 of the Housing (Scotland) Act 2014 (the 2014 Act) and Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules).
2. In the Application, the Applicant sought a payment order against the Respondents in respect of rent arrears of £2,680.00.
3. The Applicants' Representative provided the following documents in support of the Application:
  - 3.1. Notice to Leave
  - 3.2. Section 11 Notice
  - 3.3. Private Residential Tenancy Agreement; and
  - 3.4. Rent statement.
4. The tribunal's administration was unable to locate a Title sheet for the Property.
5. The tribunal requested that the Applicant's Representative provide the Title Sheet; together with written authority to act on behalf on the Applicant.
6. The Applicant's Representative provided both of the requested documents. The representative has provided authority to act on behalf of the Applicant. The Title Sheet dated 26 March 2025 shows that the Applicant has been the registered proprietor since 8 October 2010.
7. The tribunal confirmed with Landlord Registration Scotland that the Applicant is the registered landlord for the Property.
8. On 15 April 2025, the Application was accepted for determination by the tribunal. A Case Management Discussion (CMD) teleconference was fixed for 3 September 2025 at 1400h by teleconference.
9. The tribunal sent letters of notification to the parties dated 17 July 2025 with the date, time and arrangements for joining the CMD in relation to the Application. The Respondent was invited to make written representations in response to the Application by 7 August 2025. Both parties were advised that they were required to attend the CMD. The parties were advised that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision on the application which may involve making or refusing a payment order. The parties were also advised that if they do not attend the CMD this would not stop a decision or order

being made if the tribunal considers that it has sufficient information before it to do so and the procedure has been fair. The Respondent was personally served by Sheriff officers with the Application and notification.

10. The Respondent did not lodge any representations or make any contact with the tribunal.

### **CMD: 3 September 2025, 1400h, Teleconference**

11. Mrs Munro, attended from the Applicant's representative. She is the Applicant's letting agent.
12. The Respondent did not attend. The tribunal was satisfied that the requirements of Rule 24(1) regarding the giving of notice of a hearing had been duly complied with and proceeded with the application upon the representations of the party present, in term of Rule 29 of the 2017 Rules.
13. Mrs Munro confirmed that she understood the purpose of the CMD and that it was proceeding in the Respondent's absence.

### **Applicant's Representative's submissions**

14. Mrs Munro initially stated that she was seeking an order for eviction of the Respondent. Mrs Munro then stated that the Applicant (landlord) was dealing with matters relating to eviction.
15. The tribunal chair confirmed to Mrs Munro that the only case before it for the CMD was a civil application for a payment order under Rule 111 of the 2017 Rules.
16. Mrs Munro queried whether a payment order could be sought for a higher sum than that in the Application for arrears to date.
17. The tribunal chair explained that Rule 14A of the tribunal's rules requires a request to amend the sum claimed to be sent to the tribunal and other party at least 14 days before the CMD. The tribunal chair raised the possibility of further procedure, namely adjourning to a second CMD if the Applicant's Representative wished to request to amend.
18. The Applicant's Representative considered matters and stated that she wished to seek an order for payment for the sum in the Application for the period to 13 February 2025; and to reserve her client's position to make a fresh application to

the tribunal for the arrears to the end of the tenancy, either on its own or with an application for eviction.

19. Mrs Munro therefore sought an order for payment in the sum of £2680.00 for rent arrears for the period from 22 July 2024 to 13 February 2025. She referred to the bundle of supporting documents lodged with the Application. The start date of the tenancy was 15 October 2021. The rent arrears started on 22 July 2024. By 13 February 2025, the rent arrears were £2680.00, which was non-payment of £440 per calendar month x 6, plus £40 in respect of the unpaid part of the rent due on 15 July 2024, all as shown on the rental statement in the bundle.
20. The tribunal chair noted that the Private Residential Tenancy Agreement specifies that the rent is £400 per calendar month. Mrs Munro stated that the Applicant's Representative sent a rent increase notice to the Respondent for a rental increase from 15 July 2024 onwards.
21. Mrs Munro stated that she had tried to get in touch with the Respondent about the arrears but that the Respondent had not responded to attempted communications. Mrs Munro says that on passing the Property, it can be seen that the house is still occupied.
22. Mrs Munro stated that she believed that the Applicant was intending to make an eviction application and she would discuss with the Applicant about making a further civil application for rent arrears from 14 February 2025 to the end of the tenancy.

**23. The tribunal makes the following findings-in-fact:**

- 23.1. The Applicant is the registered proprietor of the Property.
- 23.2. There was a private residential tenancy agreement between the Applicant and the Respondent for the Property which began on 15 October 2021 and is continuing.
- 23.3. Rent was originally payable at the rate of £400.00 per calendar month on 15<sup>th</sup> of each month in advance.
- 23.4. From 15 July 2024, the rent increased to £440.00 per calendar month.
- 23.5. The Respondent was continuously in arrears of rent between 22 July 2024 and 13 February 2025.

23.6. As at 13 February 2025, the rent arrears were £2680.00 for the period from July 2024 to 13 February 2025.

23.7. The Respondent has made no payments towards the said rent arrears.

### **Discussion**

24. The tribunal determined on the basis of the Application, including supporting documents that the Applicant has proved that the Respondent owes the Applicant the sum of £2680.00 in respect of rent arrears for the period from 22 July 2024 to 13 February 2025; and made an order for payment by the Respondent to the Applicant for the said sum in respect of the said period.

**Ms Susanne L. M. Tanner K.C.**

**Date: 3 September 2025**

**Legal Member/Chair**  
Susanne Tanner K.C.