

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.

Chamber Ref: FTS/HPC/CV/24/1877

Property at 131 Lady Campbells Court, Dunfermline, KY12 0LE (“the Property”)

Parties:

Adluis Ltd, Albany House, 80 Rose Street, Dunfermline, KY12 0RE (“the Applicant”)

Miss Hazel Elizabeth Dryburgh, 1A Langside Drive, Blackridge, Bathgate, EH48 3RP (“the Respondent”)

Tribunal Members:

Josephine Bonnar (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 of the sum of £9106.00 should be granted against the Respondent in favour of the Applicant.

1. The Applicant applied for a payment order in relation to unpaid rent and the cost of re-instating the property at the end of the tenancy. A rent statement and invoices from two contractors were lodged with the application.
2. A copy of the application was served on the Respondent, and the parties were notified that a case management discussion (“CMD”) would take place by telephone conference call on 15 October 2024. This was postponed at the request of the Applicant representative.
3. The parties were then notified that a CMD would take place on 3 March 2025 at 2pm by telephone conference call. The CMD took place. Neither party participated.

4. As neither the Applicant nor their representative participated in the CMD, the Legal Member was unable to discuss the application with them or obtain any up-to-date information. No additional information had been submitted since the application was lodged. In particular, the Tribunal required to know; -
- (a) Is a payment order still required?
 - (b) Has the Respondent made any payments to the Applicant to reduce the sum claimed?
 - (c) Did the Applicant recover the tenancy deposit and has this altered the sum which is due?
 - (d) Why does the application include rent for the period 5 April 2024 to 4 May 2024, when the Applicant states that the Respondent was evicted on 3 April 2024.
5. The Legal Member determined that the CMD should be continued to another date and issued a direction to the Applicant. The Applicant's representative responded to the direction. She stated that a payment order was still required, no payments had been made by the Respondent, the deposit had already been applied to the sum claimed and that the rent statement had been adjusted to reflect the sum due at the date of the eviction.
6. The parties were notified that a CMD would take place on 9 September 2025 at 2pm. The CMD took place on this date. The Applicant was represented by Ms Hughes. The Respondent did not participate and did not contact the Tribunal in advance of the CMD.

The CMD

7. Ms Hughes advised the Tribunal that there has been no contact from the Respondent and no payments to the arrears or re-instatement costs. She confirmed that a payment order is required for the sum of £9106.

Findings in Fact

- 8. The Applicant is the owner and landlord of the property.
- 9. The Respondent was the tenant of the property in terms of a private residential tenancy.
- 10. The tenancy ended on 3 April 2024 when the Respondent was evicted from the property.
- 11. At the date of the eviction the Respondent owed the sum of £8606 in unpaid rent.

12. After recovering possession of the property, the Respondent required to pay the sum of £1150 to contractors for the property to be cleaned, the carpets lifted, and the Respondent's belongings removed from the property.
13. The Applicant recovered the deposit of £650 from the tenancy deposit scheme and applied this to the rent arrears

Reasons for the decision

14. From the documents lodged with the application, and the information provided at the CMD, the Legal member is satisfied that the Applicant is entitled to a payment order for the sum of £9106, being the sum due in relation to unpaid rent and reinstatement costs after deduction of the deposit

Decision

15. The Legal Member determines that a payment order should be granted in favour of the Applicant.

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.

Josephine Bonnar

Josephine Bonnar, Legal Member

9 September 2025