

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 (1) of the Private Housing (Tenancies) (Scotland) Act 2016 (Act)

Chamber Ref: FTS/HPC/CV/25/1301

Re: Property at 6 Queens Drive, Falkirk, FK1 2BU (“the Property”)

Parties:

Mr John Ferguson, Mrs Margo Ferguson, Burnhead Cottage, Avonbridge, Falkirk, FK1 2JD (“the Applicant”)

Mr Craig Norval, 6 Queens Drive, Falkirk, FK1 2BU (“the Respondent”)

Tribunal Members:

Alan Strain (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 that an order for payment be granted in the sum of £7.655.80 with interest at the rate of 4% per annum.

Background

This is an application under Rule 111 of ***The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (Rules)*** and section 71(1) of the Act in respect of a claim for payment of rent arrears.

The Tribunal had regard to the following documents:

1. Application received 26 March 2025;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 3 May 2024;
3. Rent Arrears Statement;
4. Sheriff Officers Certificate of Service of CMD Notification on the Respondent dated 7 August 2025;
5. Email application to amend dated 18 August 2025.

Case Management Discussion (CMD)

The case called for a CMD by telephone on 16 September 2025. The Applicant did not participate but was represented by Ms Callaghan, Solicitor. The Respondent did not participate and was not represented.

The Tribunal delayed the start of the CMD to see if the Respondent would participate but he did not.

The Tribunal were satisfied that the Respondent had received notification of the Case Management Discussion and that the Tribunal could determine the matter if it considered it had sufficient information to do so and the procedure was fair. The notification also advised the Respondent that he should attend and the Tribunal could determine the matter in absence if he did not.

The Tribunal decided that it was fair and reasonable to proceed in the Respondent's absence.

The Ms Callaghan confirmed that the Respondent was in rental arrears as at the date of the CMD in the sum of £7,655.80. No rent has been paid for some months.

To the Applicant's knowledge, the Respondent lives in the Property on his own. The Respondent had been in employment at the commencement of the tenancy but as a payment of Universal Credit in the amount of £80.23 had been received in August it appears he may now be on benefits. He had been remanded in custody on 26 August 2025 and released on 15 September 2025. He had contacted the Applicant to advise that he was going to settle the arrears in full on his release. He has not done so. He has made previous arrangements to repay arrears and has not complied with them

There is no other information available regarding the Respondent's current circumstances or intentions.

Ms Callaghan asked the Tribunal to amend the application under deduction of the universal credit payment and award interest at 8%.

The Tribunal then considered the documentary evidence it had received from the Applicant and in so far as material made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 3 May 2024;
2. The monthly rent was £725;
3. The Applicant was in arrears of rent in the sum of £7,655.80 as at the date of the CMD.

Decision and Reasons

The Tribunal granted the application to amend.

The Tribunal was satisfied that in the circumstances the Applicant was due payment of the rent arrears from the Respondent and granted the order sought in the amount

of £7,655.80 with interest at the rate of 4% per annum which the Tribunal considered reasonable in the circumstances.

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.

Alan Strain

16 September 2025

Legal Member/Chair

Date