



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

Chamber Ref: FTS/HPC/CV/25/2394

Re: Property at 18 Whitehope Green, Irvine, North Ayrshire, KA11 1LY (“the Property”)

Parties:

Easton Property Merkland Limited, 2 Newfield Drive, Dundonald, South Ayrshire, KA2 9EW (“the Applicant”)

Ms Stephanie Campbell, 18 Whitehope Green, Irvine, North Ayrshire, KA11 1LY (“the Respondent”)

Tribunal Members:

Sarah O'Neill (Legal Member) and Elizabeth Williams (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 by the Respondent of the sum of £2365 should be granted in favour of the Applicant.

Background

1. An application was received on 5 June 2025 from the Applicant’s representative under Rule 111 of Schedule 1 to the First-tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (‘the 2017 rules’). The Applicant sought a payment order against the Respondent for £2365, being the amount of outstanding rent arrears owed by the Respondent to the Applicant as at 5 June 2025.
2. Attached to the application form were:
 - (i) Copy private residential tenancy agreement between the parties, which commenced on 1 November 2018.

- (ii) Rent statement showing the Respondent's outstanding rent arrears to be £2365 as at 5 June 2025.
- 3. The application was accepted on 4 July 2025.
- 4. Notice of the case management discussion (CMD) scheduled for 8 October 2025, together with the application papers and guidance notes, was served on the Respondent by sheriff officer on behalf of the Tribunal on 1 September 2025. The Respondent was invited to submit written representations by 17 September 2025.
- 5. No written representations or time to pay application were received from the Respondent prior to the CMD. An updated rent statement, showing the arrears as at 1 October 2025 to be £3295, was received from the Applicant's representative on 7 October 2025.

The case management discussion

- 6. A CMD was held by teleconference call on 8 October 2025 to consider both the present application and the conjoined eviction application (reference no: FTS/HPC/EV/25/2393). The Applicant was represented by Miss Aynsley Barclay, Property Manager, Easton Housing Limited.
- 7. The Respondent was not present or represented on the teleconference call. The Tribunal delayed the start of the CMD by 10 minutes, in case the Respondent had been detained. She did not join the teleconference call, however, and no telephone calls, messages or emails had been received from her.
- 8. The Tribunal was satisfied that the requirements of rule 17 (2) of the 2017 rules regarding the giving of reasonable notice of the date and time of a case management discussion had been duly complied with. It therefore proceeded with the CMD in the absence of the Respondent.
- 9. The application was accepted on 4 September 2025.

The Applicant's submissions

- 10. Miss Barclay asked the Tribunal to grant a payment order against the Respondent in favour of the Applicant for the sum of £2365, being the amount claimed in the application. She confirmed that the Applicant did not seek to

amend the application to increase the sum sought to the sum of £3295 which was currently outstanding.

11. During the CMD, Miss Barclay sent the Tribunal an email from the Respondent which had been received by the Applicant's representative the previous day, giving notice that she intended to leave the property within 28 days. This email also stated that the Respondent was happy to set up a payment plan with the Applicant to pay back the rent arrears owed.

Findings in fact

12. The Tribunal made the following findings in fact:

- The Applicant is the owner and registered landlord of the property.
- There is a private residential tenancy in place between the parties, which commenced on 1 November 2018.
- The rent payable at the start of the tenancy was £435 per calendar month, payable in advance on the first day of each month.
- The rent was increased by the Applicant to £450 (from 1 April 2022), and then to £485 (from 1 May 2023) and £520 (from 1 November 2024). Valid rent increase notices were served on the Respondent, who did not challenge any of the proposed rent increases.
- The Respondent has been in rent arrears continuously since at least 1 March 2024.
- The Applicant had attempted to engage with the Respondent regarding payment of the arrears, having sent her a pre-action requirements letter on or around 13 February 2025.
- As at the date of the CMD, the Respondent owed £3295 in rent arrears.
- The Respondent was aware that she was in rent arrears, and had offered to enter into a payment plan with the Applicant.

Reasons for decision

13. The Tribunal considered that in the circumstances, it was able to make a decision at the CMD without a hearing as: 1) having regard to such facts as were not disputed by the parties, it was able to make sufficient findings to determine the case and 2) to do so would not be contrary to the interests of the parties. It therefore proceeded to make a decision at the CMD without a hearing in terms of rules 17(4) and 18 (1) (a) of the 2017 rules.

14. No written representations had been received from the Respondent to indicate that she opposed the application. She had not made an application for a time

to pay direction. It was clear from the Respondent's email of 7 October 2025 to the Applicant's representative that she accepted that she owed the Applicant rent arrears.

15. On the basis of all the evidence before it, the Tribunal was satisfied that the Respondent owed £2365 in rent arrears to the Applicant as at the date of the CMD.

Decision

The Tribunal grants an order for payment by the Respondent to the Applicant for the sum of £2365.

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.

Sarah O'Neill

Legal Member/Chair

Date

8 October 2025
